



CORNELL
UNIVERSITY
LIBRARY



In memory of
LOU CONKLIN GINSBERG
Class of 1927
and
ALEXANDER ELY GINSBERG
Class of 1926

OLIN RESEARCH LIBRARY

CORNELL UNIVERSITY LIBRARY



3 1924 051 624 827

Olin

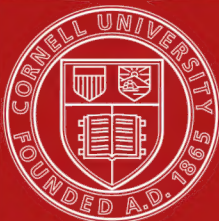
JK

1801

1919

A1

V.2



Cornell University Library

The original of this book is in
the Cornell University Library.

There are no known copyright restrictions in
the United States on the use of the text.

**READMISSION OF AUGUSTA LOUISE DE HAVEN-ALTEN TO THE STATUS
AND PRIVILEGES OF A CITIZEN OF THE UNITED STATES**

HEARINGS

BEFORE

**THE COMMITTEE ON
IMMIGRATION AND NATURALIZATION**

HOUSE OF REPRESENTATIVES

SIXTY-SIXTH CONGRESS

SECOND SESSION

ON

S. J. RES. 134

JANUARY 29 AND FEBRUARY 3, 1920



**WASHINGTON
GOVERNMENT PRINTING OFFICE**

1000



COMMITTEE ON IMMIGRATION AND NATURALIZATION.

HOUSE OF REPRESENTATIVES.

SIXTY-SIXTH CONGRESS.

ALBERT JOHNSON, Washington, *Chairman.*

ISAAC SIEGEL, New York.

HAROLD KNUTSON, Minnesota.

ROSCOE C. McCULLOCH, Ohio.

J. WILL TAYLOR, Tennessee.

JOHN C. KLECZKA, Wisconsin.

WILLIAM N. VAILE, Colorado.

HAYES B. WHITE, Kansas.

KING SWOPE, Kentucky.

ADOLPH J. SABATH, Illinois.

JOHN E. RAKER, California.

RILEY J. WILSON, Louisiana.

BENJAMIN F. WELTY, Ohio.

JOHN C. BOX, Texas.

L. B. RAINEY, Alabama.

P. F. SNYDER, *Clerk.*

READMISSION OF AUGUSTA LOUISE DE HAVEN-ALTEN TO THE STATUS AND PRIVILEGES OF A CITIZEN OF THE UNITED STATES.

COMMITTEE ON IMMIGRATION AND NATURALIZATION,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Thursday, January 29, 1920.

The committee this day met, Hon. Albert Johnson (chairman) presiding.

The CHAIRMAN. The committee will be in order. The order of business to-day is the consideration of Senate joint resolution 134, a resolution to readmit Augusta Louise de Haven-Alten to the status and privileges of a citizen of the United States, which is as follows:

JOINT RESOLUTION To readmit Augusta Louise de Haven-Alten to the status and privileges of a citizen of the United States.

Whereas Augusta Louise de Haven-Alten, daughter of the late Captain Joseph Edwin de Haven, of the United States Navy, a native-born citizen of the United States, and a resident of the State of Illinois, married in 1886 Eberhard Alten, an alien of German birth and parentage; and

Whereas the said Augusta Louise de Haven-Alten left Germany in 1911 and has not since returned, and in 1912 sued her said husband for absolute divorce, which suit is still pending in Germany, and has since 1911 lived apart from her said husband; and

Whereas the said Augusta Louise de Haven-Alten has since returned to the United States and renewed her residence therein and petitioned Congress to be readmitted to the status and privileges of a citizen of the United States, under and by virtue of the power and laws of the United States of America: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Augusta Louise de Haven-Alten, daughter of Captain Joseph Edwin de Haven, be, and she is hereby, on her own application unconditionally readmitted to the character and privileges of a citizen of the United States.

This resolution has passed the Senate, and Mrs. de Haven-Alten is here, and has papers in the nature of an affidavit which state this case. Mr. Howe, of Washington, is also present, and probably could make a concise statement from that affidavit which would give the committee the information it desires. Mr. Howe, will you proceed?

**STATEMENT OF WALTER BRUCE HOWE, ATTORNEY AT LAW,
717 FOURTEENTH STREET NW., WASHINGTON, D. C.**

Mr. HOWE. Mr. Chairman and gentlemen, this lady who makes application for readmission to citizenship is in every sense of the word an American. She is the granddaughter of Admiral Bigelow, of our Navy, who fought in the War of 1812 and served 45 years in the Navy. Her father was Capt. Joseph E. de Haven, of our Navy, who commanded ships in the Civil War.

When she was very young indeed both of her parents died when she was about 12 years old.

Mr. VAILE. Was she herself born in the United States?

Mr. HOWE. She was born in the United States, in New York City in 1867. She was taken abroad by her grandmother, Mrs. Bigelow,

and lived there with her grandmother and stepmother in Switzerland, and on her 19th birthday, her parents being dead, she married a German citizen named Alten. That marriage was never very happy. There were two children, and in 1912, when the children, the two daughters, were grown and married, Mrs. de Haven, as she now likes to be called, instituted a divorce suit against her husband in Germany.

Mr. VAILE. She had instituted it prior to that time, I believe, and had recalled it once or twice?

Mr. HOWE. Yes.

Mr. VAILE. On account of her daughters?

Mr. HOWE. On account of the prospects, welfare, and comfort of her daughters.

Mr. VAILE. So instituting it in 1912 was the second or third time that she had started that suit?

Mr. HOWE. Yes; that is correct, sir.

Mr. VAILE. Having withdrawn it each time before on account of not desiring to embarrass her daughters or interfere with their future?

Mr. HOWE. Exactly, and the daughters being married, she then entered suit in 1912. The progress of that suit in the courts in Germany was interrupted by the war because her husband, when the war broke out, went back into the German Army, and was assigned to active duty, although quite an elderly man, on the line of communications, and in spite of the efforts of the attorneys for Mrs. de Haven he insisted and prevailed on being exempt from suit because he was in active service.

Mr. VAILE. I gather from Mrs. de Haven's affidavit that the active duty was in the nature of a camouflage; that it was not really very active duty involving any personal danger to the officer?

Mr. HOWE. Exactly. I understand he was far back on the line of communications.

Mr. VAILE. And possibly was there for the purpose of giving him exemption from civil suits?

Mr. HOWE. I see no other explanation.

The CHAIRMAN. Nevertheless, it was military duty?

Mr. HOWE. It was military duty. There were efforts, of which we have a transcript in evidence, by which she tried to set aside that status of active service in connection with her suit. However, the suit is still pending in Germany.

She had some individual property. By the way, she has broken absolutely with her children and all of her German relatives. She has not been in Germany since 1911, and she has not seen her husband since 1911.

When the war broke out she went to Austria, where she could cash checks, and she lived in Austria and did not go to Germany; but when the United States entered the war she could not leave Austria and go to a neutral territory, because she refused to take a German passport. She was not prevailed upon to take a German passport until our military attaché from Switzerland, in April, 1919, during the Bela Kun revolution in Budapest, saw this unfortunate woman there and told her she had to take a German passport and go to Switzerland, and under those circumstances she did so, and she made her way to Switzerland in a train of cattle cars and arrived there penniless.

Her German husband has her individual property, which she will never get back.

Mr. VAILE. That constitutes the entire source of her husband's wealth, as I understand.

Mr. HOWE. That is so, sir; and he naturally opposed the divorce suit, because, under the German law, it would have some effect on his financial standing. In other words, the property would go back to her or the children and be taken away from him.

Mr. RAKER. What do you mean by saying that her husband has possession of all her personal property?

Mr. HOWE. When she married she had about \$100,000, which, under the German law, went under the control of her husband.

Mr. WILSON. Was that property money then, or what?

Mr. HOWE. It was taken by her when she became of age in Germany and is invested in Germany in real estate and other things.

Mr. VAILE. It was all produced in the United States?

Mr. HOWE. It was all produced in the United States. That she says good-bye to. She never hopes to get that back.

Mr. WILSON. Her entire possessions are in Germany?

Mr. HOWE. All her individual property is under the control of her husband in Germany.

Mr. VAILE. She can not get that back, regardless of the result of her divorce suit?

Mr. HOWE. She can not. It has been dissipated, we understand. We can not get it back. There is some real estate, but, as I understand it, she has no chance in her lifetime of ever getting any of that back.

Mr. RAKER. What kind of property has she there in Germany which you say her husband has full possession of now?

Mr. HOWE. There is an estate worth about \$25,000—land—and the rest is invested, I understand, in industrial stocks and things like that.

Mr. SWOPE. What part of the Empire is that land situated in?

Mr. HOWE. In Hanover.

Mr. RAKER. What is the personal property now?

Mr. HOWE. I do not know, and she does not know. It has been under the control of her husband for years, and she has had no communication with her husband since 1911. She does not know. She knows that as long as she remains legally his wife she can not get any of it back.

Mr. RAKER. From 1914 on to the present time where has she been living?

Mr. HOWE. In Budapest.

Mr. RAKER. All the time?

Mr. HOWE. Yes, sir.

Mr. RAKER. How long has she been in the United States now?

Mr. HOWE. She landed last October, under a certificate of original nationality granted by our State Department after investigation.

Mr. VAILE. State what attempts she made to get here before.

Mr. HOWE. Through the Spanish Consular Service she tried to get back to this country after the United States entered the war against Austria and Germany.

Mr. RAKER. Just how could she land as a United States citizen? Have you got that passport or a copy of it?

Mr. HOWE. Yes, sir; I have it here.

Mr. RAKER. I would like to have you put it in the record. Read it to the reporter.

Mr. SIEGEL. Is that what is known as Form 228?

Mr. HOWE. I do not know, Mr. Siegel. It is very brief.

Mr. SIEGEL. Read it.

Mr. HOWE (reading):

LEGATION OF THE UNITED STATES OF AMERICA,
• Berne, August 23, 1919.

This is to certify that Mrs. Louise de Haven was born on October 27, 1867, in New York City, in the United States of America, to which country she is now returning with the permission of the Department of State.

For the minister:

J. W. CARROLL,
Third Secretary of Legation.

Then there is a personal description. The back of the document is almost completely covered with the visés.

Mr. RAKER. I do not care for that, but just how could she get that certificate, being a German subject?

Mr. HOWE. This was given to her in lieu of a passport which she could not get as a German subject, and is a rather rare State Department document granted to people whose Americanism was thoroughly established on investigation there.

Mr. RAKER. I know, but does it make any difference if one had been an American citizen and afterwards became a German citizen or an Austrian citizen? Did that change it?

Mr. HOWE. I believe that was the theory. I think these were granted to American citizens, or American-born women who had lost their nationality through marriage and who on investigation proved their loyalty to the United States while they were in enemy territory.

Mr. RAKER. Is there any rule of the department of that kind?

Mr. HOWE. That is a well-recognized paper in the department.

Mr. SIEGEL. That is generally known as Form 228, which has rarely been granted. They granted about 20 of those altogether, I believe, for people to come from Germany here.

Mr. HOWE. As to the beginning of this, I have a letter from Col. Godson, who was United States Military Attaché in Berne, which might perhaps answer some of the questions as to how she got this.

Mr. RAKER. What I am getting at is that they gave no passports to German subjects. Now, under what authority could the Department of State issue a passport to this lady, although she was born in America, if she was at that time a German subject?

The CHAIRMAN. As a matter of state, in an effort to prove American born persons of known loyalty, apparently every one of them, in order to establish that loyalty and maintain it, must have undergone great distresses, and if you have anything showing the original request we would be glad to have it.

Mr. HOWE. Yes, sir.

Mr. RAKER. I know, but what I was getting at is the fact that that paper does not show but what she was an American subject, and, to the contrary, does show she was.

Mr. VAILE. No, it says she was born in the United States.

Mr. RAKER. It does say she was an American subject, and being born in America the presumption is her citizenship continued, and she was an American subject and at the time the order was issued

she was an American subject, and nothing to indicate she was a German or Prussian subject at the time. I just want to know how it occurred, that is all.

Mr. HOWE. The only comment I can make is on that subject that if she had been an American citizen she would have received a passport.

Mr. SIEGEL. I would suggest, Mr. Howe, that you read the correspondence which passed away back in April, 1919.

Mr. VAILE. I would like to have Mrs. de Haven's affidavit go in the record.

Mr. SIEGEL. We are going to put the affidavit in the record.

Mr. HOWE. Would it be the wish of the committee to read the affidavit?

The CHAIRMAN. No, the statements you made embrace that. Now let us have your correspondence. Judge Raker desires to know the proceeding by which this State Department form is issued.

Mr. HOWE. The first document bearing on the subject is the translation of a letter of the chief of the French military mission in Austria, to Col. Yates, our military attaché in Bucharest, who had passed through Austria shortly before. This reads:

VIENNA, April 9, 1919.

Gen. Hallier, chief of mission.

To Mr. Yates, military attache of the United States at Bucharest.

I have received a request for a passport from the Baronness d'Alten, nee de Haven, who wishes to return to Berne, there to see about her divorce suit.

This lady is recommended by you.

I will be grateful if you will inform us if this is correct and if you believe that, being married to a German, there is need to allow her to go to Switzerland.

Gen. HALLIER,

By the CHIEF OF STAFF.

Mr. RAKER. What is the date of that?

Mr. HOWE. It is dated Vienna, April 9, 1919. The reply is as follows:

AMERICAN LEGATION,
OFFICE OF THE MILITARY ATTACHÉ,
Bucharest (Roumania), April 14, 1919.

Col. H. E. Yates, military attaché of the United States at Bucharest.

To Gen. Hallier, chief of the French military mission in Austria.

In reply to your letter of the 9th instant, reference No. 8/4 concerning the Baroness d'Alten, nee de Haven, I have the honor to say that I recommended her to you and that there are no military reasons which should prevent her from returning to Berne.

She is of a family very well known in America and she is a good American.

H. E. YATES,

Colonel, Military Attaché of the United States.

Then she got permission to go from Budapest to Vienna. The next letter would carry the story on from there. This is a letter dated November 26, 1919, to me personally, from Col. Godson, who was our military attaché in Switzerland. This reads as follows:

Mr. WALTER BRUCE HOWE,

Care of Messrs. Carlisle, Howe & Swayze,
717 Fourteenth Street NW., Washington, D. C.

DEAR SIR: With reference to Mrs. Louise de Haven von Alten, I met the lady in Vienna and her story, which is supported by Mr. Reineck of the American mission there, to whom she is well known, so excited my commiseration that I did all in my power to get her out of Austria. I am of the impression that the story as recited by you in your letter of November 10 is a pretty correct version of the matter. I certainly think that she should be relieved and that her funds and income should well

be restored to her. It seems too bad that a really deserving case should be subjected to so much unpleasantness, when so many so-called pro-Boche Americans are managing to get away with it. I am sorry I can not give you a more satisfactory answer, because it is not in my power.

As far as I was able to see the lady is a loyal American and the fact that she took a German passport was done by my advice and with my knowledge, as it was the only possible way in which she could get out of Vienna. When she came to Berne I assisted her to obtain her certificate of original nationality. While she was in enemy territory I have every reason to believe that her acts were entirely consistent with those of a good American citizen.

This case is fresh in my mind, because it is about the only case that I know of where an American who remained in Austria or Germany did apparently act like a good American.

Very truly yours,

W. F. H. GODSON,

Colonel of Cavalry, Military Attaché.

Mr. RAKER. Where does this German passport come in?

Mr. HOWE. The German passport?

Mr. RAKER. From Budapest to Switzerland?

Mr. HOWE. It was from Vienna to Switzerland. She went from Budapest.

Mr. RAKER. Have you got that?

Mr. HOWE. No, I have not got that.

Mrs. DE HAVEN. I tore it up as soon as I got my American passport.

Mr. VAILE. Had Mrs. de Haven before that declined for any reason to take a German passport?

Mr. HOWE. She had refused to take a German passport.

Mr. VAILE. Explain that.

Mr. HOWE. She had written in 1918 and 1919 to the Spanish Consul, who was looking after American interests in Austria, asking his good offices to get her back to Switzerland, and he wrote that it was impossible for him to do that unless she took a German passport.

Mr. RAKER. Is it not a fact, upon its face, that that passport simply shows her to be an American?

The CHAIRMAN. Which passport?

Mr. RAKER. The one that he read in the record.

The CHAIRMAN. Listen to this again. I have examined this. It does not purport to be anything that it is not. [Reading:]

LEGATION OF THE UNITED STATES OF AMERICA,

Berne, August 23, 1919.

This is to certify that Mrs. Louise de Haven was born on October 27, 1867, in New York City, in the United States of America, to which country she is now returning with the permission of the Department of State.

For the minister,

J. W. CARROLL,

Third Secretary of Legation.

Then there is a photograph and a description. It certifies that she was born in the United States, and it is used to give her permission to come to the United States in lieu of a passport which she could not get in that country.

Mr. VAILE. And which she could get if she were an American citizen. It was given to her because she was not an American citizen, and is a bare representation of the fact of her birth.

The CHAIRMAN. And it is a proper effort on the part of the State Department of the United States, through its agents, to salvage and protect those people born in the United States who, in stress of war in an enemy country, were loyal to the United States?

Mr. VAILE. And who, without their fault, had the status of alien enemies, the equitable and legal status of alien enemies.

Mr. RAKER. Of course, whoever assumes the citizenship of another country becomes the subject of the other country, and all its laws, rules, and regulations apply.

Mr. HOWE. Yes, sir.

Mr. RAKER. And they do not get back their citizenship by a mere declaration from the State Department.

The CHAIRMAN. No; she has not got it, and she is here before Congress to get it.

Mr. VAILE. That is the purpose of her present application.

Mr. HOWE. She would have it if she could get her divorce, but that is in the German courts.

Mr. RAKER. That divorce is still pending.

Mr. HOWE. Yes, sir.

Mr. RAKER. Do you know anything about where her daughters are?

Mr. HOWE. I do not. Perhaps she does.

Mr. RAKER. We will get that from the lady herself. You do not know?

Mr. HOWE. I know they are in Germany, married to Germans, and that she, when our country went into the war, broke with her daughters because they were Germans.

The CHAIRMAN. This affidavit says that her daughters are now alive, married to German officers, and living in Germany. [Reading:]

My youngest daughter married first and went to live in England. In about 1904 I asked for a divorce from my husband and went to stay in England. Then my elder daughter became engaged to be married, and to relieve her of the embarrassment of the divorce proceedings I again returned to my husband. After my second daughter was married and in about the year 1906 my husband and I entered into a formal separation agreement which was to last four years, etc.

And then she charges misconduct on the part of her husband.

Mr. RAKER. I read that. I was asking Mr. Howe in regard to a matter. Has Mrs. de Haven any property in the United States?

Mr. HOWE. At the present moment, and literally, the answer to that is no, sir. She has, however, an interest in a trust estate created in 1873 at Chicago by Mrs. Abraham Bigelow, the widow of Admiral Bigelow, of our Navy. This fund is now held by the Northern Trust Co., of Chicago, as trustee. Mrs. de Haven's income since 1873, or when she became of age herself, has been from that in the neighborhood of \$15,000 a year. Under the provisions of the trading with the enemy act, the Alien Property Custodian took all of her interest in that, present and future, and the Northern Trust Co. has been paying the income of it to the Alien Property Custodian since the date of the seizure in April, 1917, and her life interest is also seized.

The CHAIRMAN. That is, her future interest is seized through the action of the Alien Property Custodian under the law?

Mr. HOWE. Yes, sir.

Mr. RAKER. How much property has been taken over under this trust since the Alien Property Custodian has had charge of it?

Mr. HOWE. In the neighborhood of \$40,000. We can get, of course, the exact figures on it.

Mr. WHITE. Would her restoration to citizenship automatically restore that interest?

Mr. HOWE. No, sir.

The CHAIRMAN. Would it give her the right to sue for it?

Mr. HOWE. She would not sue for it, but apply for it to the Alien Property Custodian.

The CHAIRMAN. To receive an adjustment, and the theory of the law is that the Alien Property Custodian exists for that very purpose.

Mr. VAILE. Let us carry it a little further. If her claim is not granted, as I understand it, it is at least very doubtful whether she can ever get this property at all.

Mr. SIEGEL. She can not get it at all, because if this treaty goes through, as I understand it, then the property seized here by the Alien Property Custodian remains the property of the Government, and the property that was seized in Germany becomes the property of the German Government. In other words, unless Mrs. de Haven gets back her citizenship before the treaty is signed, I do not think she can get anything back except by a special act of Congress.

Mr. WILSON. I do not understand that under the treaty the property of American citizens in Germany seized by the German Government goes to the German Government.

Mr. SIEGEL. That is true, and the property seized by us goes to us.

Mr. WILSON. And all the property seized here belonging to Germans is forfeited to the United States?

Mr. SIEGEL. Yes.

The CHAIRMAN. There would not probably be any other way of determining litigation.

Mr. RAKER. That property now, about \$40,000, is held by the Alien Property Custodian?

Mr. HOWE. Yes.

Mr. RAKER. And he has also seized the equity or cestui que trust right in that property?

Mr. HOWE. Yes.

Mr. RAKER. About what is that worth?

Mr. HOWE. The whole estate?

Mr. RAKER. Well, her interest in the estate.

Mr. HOWE. It is a life interest.

Mr. RAKER. And amounts to what?

Mr. HOWE. About \$15,000 a year.

Mr. RAKER. And that has been paid to her up until we took charge of it under the law?

Mr. HOWE. Yes. I will say that with this qualification, that late in 1916 communications were so interrupted between this country and Austria that the last remittance in 1916 and the early remittances in 1917 before our entry into the war did not go through. Those are now in the control of the Alien Property Custodian.

Mr. RAKER. Mrs. de Haven has been receiving that money during this time, living in Germany?

Mr. HOWE. She has received no money from the United States.

Mr. RAKER. Up until it was seized in 1916?

Mr. HOWE. Yes, sir.

Mr. RAKER. How many years before that date, 1916, had she received it?

Mr. HOWE. Since 1874, since the will of Mrs. de Haven was probated in Cook County, Ill.

Mr. RAKER. It was regularly sent to her before that time?

Mr. HOWE. Yes.

The CHAIRMAN. I want to ask what knowledge Mr. Howe has of the attitude of the Alien Property Custodian toward this situation?

Mr. HOWE. I saw the Alien Property Custodian himself——

Mr. SIEGEL. Will you name whom you saw, please?

Mr. HOWE. Francis P. Garvin. I spoke to him of the circumstances of this case, and of my intention to ask for a joint resolution for restoration to citizenship, and I asked his attitude on that, if he would be in favor of it, and he said "Highly in favor of it." Let me add just one more word. This lady has a sister named Campe, the widow of a German. She is the younger sister of this lady, who also in her early youth married a German, but that German died before the outbreak of the war. That sister has an equal share in the Bigelow estate with Mrs. de Haven. That lady, some time after Mrs. de Haven, succeeded in returning to the United States, and filed a claim with the Alien Property Custodian, and I am informed that her claim for the restoration of accumulations and interest in the Bigelow estate was allowed in about three days by the Alien Property Custodian after the filing of her claim. This lady can not file a claim because she is at law a German citizen.

The CHAIRMAN. Let me ask you one question for the record. Mrs. de Haven, having returned to the United States, and residing in the United States for a certain length of time, would be entitled to a divorce here, would she not?

Mr. HOWE. Yes, sir.

The CHAIRMAN. What length of time?

Mr. HOWE. It depends on the jurisdiction to which she would go, sir. The shortest time, the shortest residence in any of the States, is six months.

The CHAIRMAN. But the necessity for this restoration to citizenship arises from your belief of others who have examined the papers that in order to claim her rightful estate she must act immediately?

Mr. HOWE. Yes, sir.

The CHAIRMAN. And ahead of the treaty settlement?

Mr. HOWE. I believe so.

Mr. SIEGEL. Besides that, according to the affidavit which I read, she is practically without means right now.

Mr. HOWE. She is inevitably and rapidly approaching utter destitution. She arrived in this country with a few hundred dollars of borrowed money, which she borrowed from a professor in Geneva. She and he used to play together when they were children, and he knew her father; and he loaned her this money—and he is not a rich man—and when that money is gone Mrs. de Haven will have nothing to live on, and that money will be gone before she could ever get a divorce in this country.

Mr. RAKER. If this resolution was adopted, Mrs. de Haven would then obtain her citizenship as an American citizen?

Mr. HOWE. That is right.

Mr. RAKER. She would still be the wife of the German husband?

Mr. HOWE. For a few months, yes, sir; she would.

Mr. RAKER. She would be his wife under all the rules and regulations governing and controlling the marriage relation between a German and an American.

Mr. HOWE. There is no doubt about that, sir; except that by permission of the German court she lives apart from him now, but she is his wife.

Mr. RAKER. Your first statement was that all her property upon the marriage went to the husband?

Mr. HOWE. To the custody of the husband.

Mr. RAKER. This property now would be then in the custody of the husband, who would be entitled to it, if at all?

Mr. HOWE. To her individual property, but not to the trust property. He has never touched her income from the trust estate.

Mr. RAKER. It is not what he has touched. I am asking as to the legal effect of it, if you are familiar with it. Of course, if you are not, we would like to get other evidence on the question. Upon her being placed in the status of an American citizen, she is still the wife of a German subject.

Mr. HOWE. Yes, sir.

Mr. RAKER. That being the case, under the German law is he entitled to this property as her husband?

Mr. HOWE. No, sir; not under the terms of the trust, which gives her this property.

Mr. VAILE. He is not entitled to the trust property?

Mr. RAKER. I am just seeking information, and before this matter is concluded I would like to have some agent of the Alien Property Custodian investigate it and report in regard to the subject.

Mrs. DE HAVEN. The will is there. In my grandmother's will she says that our husbands shall have nothing to do with her property.

The CHAIRMAN. I know; but can such a will—such a provision in a will—stand against the right of a husband?

Mr. SIEGEL. Oh, yes; certainly.

Mr. RAKER. Have you looked that matter up?

Mr. HOWE. Yes; and I have a copy of the will.

Mr. RAKER. I do not care for the will. What is the German law on the subject, do you know?

Mrs. DE HAVEN. He can not touch it.

Mr. RAKER. Well, have you investigated it?

Mr. HOWE. I can not give you information on that, on the German law.

Mr. RAKER. You are not in position to advise the committee as to the legal status of her husband?

Mr. HOWE. I am in position to advance my very serious opinion as a lawyer that Mrs. de Haven, receiving this income under the provisions of an American will which gives it to her sole use, that under the law of Germany or no other country could the husband take that income as derived. I also wish to state that the husband has never taken that income, and from what I hear of the husband, if he had stood one chance in a hundred of getting that money during the time they were married he would have gotten it under the German law.

Mr. RAKER. Well, he could not get it before it was due each year?

Mr. HOWE. He could not possibly get this income before it became due.

Mr. RAKER. I say he could not get the income before it became due each year, but as it come due and as it was sent over to Germany from your statement now it appears that he did get it.

Mr. HOWE. You misunderstood me, sir.

Mr. RAKER. That he did get enough of it, and whatever property she now has he has control of it, if it is the proceeds of that trust property. That is correct, is it not?

Mr. HOWE. No, sir; it is not.

Mr. RAKER. Explain that to us.

Mr. HOWE. When this lady, then a very young lady, married her husband, she had just come into an inheritance directly to herself from her mother's estate slightly in excess of \$100,000 which she owned outright and which was not the proceeds of her grandmother's estate or any part of it, and that individual property of hers which she had inherited from her mother was what her husband got hold of.

Mr. RAKER. Then he has not received any of the money that has come from this estate?

Mr. HOWE. No, sir. No; that is definite.

Mr. RAKER. The separate account and use of it has been hers all these years?

Mr. HOWE. Yes.

The CHAIRMAN. Do you know whether at any time he made personal application for that income?

Mrs. DE HAVEN. Yes.

The CHAIRMAN. He did appeal for it?

Mr. HOWE. Yes.

The CHAIRMAN. But he never undertook to secure the same at law?

Mrs. DE HAVEN. The Northern Trust Co. wrote him that he had nothing to do with this money.

The CHAIRMAN. At any time in any of these separation agreements did she make any stipulation as to a division of this trust fund income?

Mrs. DE HAVEN. Never. The will was there. It was not necessary.

The CHAIRMAN. He never appealed to you in any of these separation agreements, or never secured from you any agreement as to any division of that money?

Mrs. DE HAVEN. No.

The CHAIRMAN. You claimed that as your own, and knew it was yours in your own right?

Mrs. DE HAVEN. Yes.

The CHAIRMAN. How about the children?

Mrs. DE HAVEN. They had nothing to do with it.

The CHAIRMAN. And they have no claim in it now, you think?

Mrs. DE HAVEN. No claim.

Mr. KLECZKA. They would have claim in the event you died, however?

Mr. HOWE. Yes.

Mr. SIEGEL. She can dispose of it by will, can she not?

Mr. HOWE. No; it goes to her issue.

Mr. SIEGEL. What does the trust provide?

Mr. HOWE. Income to Mrs. de Haven for life, and on her death the corpus of the estate goes to her issue, to her children. Any application that she could make to the Alien Property Custodian could not release the remainder, the capital amount of this estate. It would merely be the income. The capital amount would remain in the possession of the United States.

The CHAIRMAN. So if she did not receive relief through an act of Congress, and did not become divorced in time, the income might be held by the Alien Property Custodian indefinitely, and revert to the United States, but the fund itself would be held in the United States indefinitely, to be sued for in the course of time by her issue?

Mr. HOWE. Yes; but her issue could not sue for it, sir, as they are Germans.

The CHAIRMAN. They could not now?

Mr. HOWE. No. Perhaps by future legislation they might.

The CHAIRMAN. But if they did not have that right to sue after a treaty, the fund itself would pass into the Treasury of the United States?

Mr. HOWE. That would depend upon future legislation of Congress, sir.

Mr. KLECZKA. But in the absence of legislation curing that situation, upon her death the corpus will revert to the Treasury of the United States?

Mr. HOWE. Yes.

Mr. RAKER. When did you first consult with Mrs. de Haven on this matter?

Mr. HOWE. Upon her arrival in this country, but I had correspondence with her beforehand. I will be very glad to explain that.

Mr. RAKER. This proceeding here under this resolution, as I gather it, is evidently and primarily for the purpose of hoping to secure the rights to that property?

Mr. HOWE. To the income.

Mr. RAKER. Well, that is property.

Mr. HOWE. Yes.

Mr. RAKER. There are \$40,000 you say which is in the custodian's hands now. She desires to receive the income from that property as it comes in in future years?

Mr. HOWE. That is so, sir. There is, however, I wish to assure you, a very earnest desire on the part of the lady, independently of that, to be an American citizen and an ever-present horror of being a German citizen, but primarily the object is the recovery of this money, sir, because unless she recovers it she starves to death or becomes an object of charity.

Mr. RAKER. You are apprehensive that in the disposition of this money under the treaty the Government might retain it?

Mr. HOWE. I am, sir; and it is not apprehension, it is a certainty, that unless this lady is afforded speedy relief she will be destitute.

Mr. KLECZKA. How many children has she?

Mr. HOWE. She has two daughters.

Mr. KLECZKA. Both married?

Mr. HOWE. Both married to Germans and living in Germany. She has broken off relations with them.

Mr. RAKER. This sister is pretty well to do now, is she not?

Mr. HOWE. Her sister has her income back, yes, sir; but this lady and her sister are not on terms.

Mr. KLECZKA. Where is that sister living?

Mr. HOWE. I do not know, sir.

Mr. SIEGEL. She has returned to the United States, though?

Mr. HOWE. Yes.

Mr. SIEGEL. By that you mean that she is living in the United States, but you do not know exactly where?

Mr. HOWE. As far as I know, sir. I know she was here a month or six weeks ago, because I learned that at the Alien Property Custodian's office.

Mr. RAKER. What amount did the sister obtain of the property, do you know?

Mr. HOWE. I do not know, sir; but I presume she had very close the same amount as the amount of the property of this lady held by the custodian.

Mr. RAKER. \$40,000 or \$50,000?

Mr. HOWE. Something of that sort.

Mr. RAKER. Did you make inquiry to find out at the Alien Property Custodian's office to determine? Did you make investigation to find out?

Mr. HOWE. I inquired there from the man in charge of what they call section 9, where these claims would be filed, if a lady named Campe had put in a claim, and he said she had and the claim had been allowed. I have no formal proof of that.

Mr. RAKER. If the object is primarily to obtain property, why do you come to Congress to get such an extraordinary relief as to have her declared an American citizen, rather than to take the ordinary course that is laid down for all cases, and if this lady does not desire to remain with her husband and has a just cause for divorce, proceed by the usual method?

Mr. HOWE. Because under the usual method in no jurisdiction in this country can she hope for a divorce in less than seven or eight months from now.

Mr. VAILE. And because under the usual method the very relief you want could not in any event be obtained if peace is declared promptly?

Mr. HOWE. I have very grave doubt, if peace is declared in the meanwhile, whether her restoration to American citizenship would allow her to recover her money.

Mr. SIEGEL. Well, as a matter of fact, my construction of the treaty is that she could not get anything.

Mr. RAKER. Then this is to anticipate the adoption of the treaty?

Mr. SIEGEL. I would not construe it in that way.

Mr. RAKER. I know; but this gentleman is a very clean, very clear witness, and I am asking for his view of the matter.

Mr. SIEGEL. I have no objection to his giving his view.

Mr. RAKER. Surely you have no objection. I realize that. But let me have it without interruption, Brother Siegel.

Mr. HOWE. I have thought of that phase of the matter, and I have very grave doubt, sir, of her getting back her money if the treaty goes through.

Mr. RAKER. You said there is such an immediate emergency in the matter. Is not that really the primary proposition?

Mr. HOWE. No, sir; the thing that strikes me as the immediate emergency is the fact that unless this lady gets relief she will be penniless. Let me tell you the circumstances. She arrived in this country——

Mr. KLECZKA. When?

Mr. HOWE. On October 21, 1919, with about \$4,000 in her pocket, which was borrowed from this old Swiss professor. From that she paid \$500 back to the Northern Trust Co., which it had advanced to her without security to pay her passage to this country. She paid a man in the State Department, an official translator there, a good round sum for a translation, for my benefit, of the papers in her German divorce suit, so that I could be informed about it. She paid down a retainer of a few hundred dollars to the best attorney I could find in a Western State to investigate and advise me of her chance of a divorce in this country, as to the time it would take, and

of her prospects. She came to me and said she had always been used to a certain amount of money, and that she had lived within that, and on less than that she was a spendthrift, and that she was afraid that if she retained control of these few hundred dollars, that is, about \$3,000 that were left, she would spend it too soon, and much against my will she turned over every cent of that to me under a private trust agreement, and I have been handing it out, paying the hotel bills in as cheap a hotel as I could find, and handing it out to this lady \$10 at a time when she came around to my office, and we are nursing that, every cent of it, as close to our chest as we can. But it will not last seven months. That is my immediate apprehension and worry, and why I ask this relief of Congress. If she had had money I would not have done this.

Mr. RAKER. That is getting back to the difficult question involved. You stated this is a very urgent matter. One of the reasons for urgency consists in securing legislation before the treaty of peace is signed?

Mr. HOWE. That is one aspect, sir; there is no doubt of it.

Mr. RAKER. And you found on your investigation through your associate in the Western State that the earliest time a divorce could be obtained would be within six months?

Mr. HOWE. Before it could be filed. I estimate seven or eight months before she could be absolutely divorced.

Mr. RAKER. You passed October, November, December, and January, being the past four months, already.

Mr. HOWE. Yes, sir; because I concluded in October that her fees and her legal expenses in the West would use up her money, and she would be out West, unknown to anybody, without friends, without a relative in this country, long before she could get her divorce, and I took the chance of asking Congress for this relief in the hope that I would get it in three or four months, rather than waiting eight months. I gambled to that extent with my client's welfare, because she did not have enough to last seven or eight months.

Mr. VAILE. You gambled to that extent on the fairness of the Congress of her own country?

Mr. HOWE. Gentlemen, I thought we needed this old woman who wore an American flag on her breast all the time the United States was in the war, when she was in Austria, and devoted her time to the amelioration of the interned British prisoners there, and stood out among them all as a good American; I thought we needed her citizenship more than we needed her money, and I believed that Congress would do this.

The CHAIRMAN. Do you see why the United States should hesitate to salvage a former citizen and the daughter of a fighter for the protection of the United States, and salvage to her what can be saved of her property?

Mr. HOWE. Sir, I do not.

Mr. VAILE. What is Mrs. de Haven's husband's business?

Mr. HOWE. He has no business, as I understand it. He is a retired German army officer.

Mr. VAILE. Did he ever engage in the profession of any learned profession, or any industry?

Mr. HOWE. No, sir.

Mr. VAILE. Did he ever create any wealth?

Mr. HOWE. No, sir.

Mr. VAILE. Since he has been married has he had any means of support aside from the personal property of Mrs. de Haven? I am not now referring to the trust estate, but the personal property in the possession of Mrs. de Haven?

Mr. HOWE. No, sir.

Mr. VAILE. None whatever.

Mr. HOWE. No, sir.

Mr. VAILE. And that was all created in the United States?

Mr. HOWE. Yes.

Mr. VAILE. Every cent of it?

Mr. HOWE. It belonged to Mrs. de Haven's mother; yes, sir.

Mr. VAILE. In the creation of it he contributed nothing?

Mr. HOWE. That is correct.

Mr. VAILE. And that wealth in the beginning amounted to about \$100,000?

Mr. HOWE. Slightly in excess of that, sir.

Mr. VAILE. And that, as far as you know, from the best evidence she has, is now practically dissipated down to about \$25,000?

Mr. HOWE. As far as we know, and that is what we believe.

Mr. VAILE. The other part of her property consists of the income from a trust fund of about \$15,000 a year?

Mr. HOWE. Yes, sir.

Mr. VAILE. That wealth also was created in the United States?

Mr. HOWE. It was.

Mr. VAILE. And like the first class of her property was created by Americans?

Mr. HOWE. It was.

Mr. VAILE. Americans who had rendered distinguished service to the United States in time of war?

Mr. HOWE. There is no doubt of that, sir. This lady's family has all been in the Army and Navy. She lost a half brother in our Army in this war.

Mr. VAILE. Now, as to the first item of her property, her individual estate, to which she came into actual possession, that, as I understand it, is gone, no matter what happens.

Mr. HOWE. That is hopelessly gone.

Mr. VAILE. What remains of it will always be, as long as it lasts, in the custody of her husband, whether he is divorced or not?

Mr. HOWE. I can not say that, sir, if he is divorced. As I understand it, some of that would, if it existed, be returned to her, and some of it would remain for the support of their children—her daughters.

Mr. VAILE. At all events, he has absolute control of it now?

Mr. HOWE. Yes.

Mr. VAILE. And to divest him of such control would require legal proceedings in Germany?

Mr. HOWE. It would.

Mr. VAILE. As to the other part of her wealth upon which she has been living in the past, I understand that her husband would be glad to cease his resistance to her divorce suit if that could all be assigned to him; that is true, is it not?

Mr. HOWE. I did not quite get your question, sir.

Mr. VAILE. If she would make a financial settlement with her husband, assigning to him this trust income, he would cease his opposition to her divorce suit?

Mr. HOWE. I think there is no doubt of that.

Mr. VAILE. And as to that trust income, the alternative that is now presented is one of three things, as I get it, either to make a settlement with him which involves the transfer of that money, or a large part of it, to him, as a condition of obtaining her freedom; first, or, second, to allow it to be retained permanently by the Government of the United States—well, there is no third, is there? Those are the two alternatives. Is there any other alternative that you can think of?

Mr. HOWE. Yes, sir.

Mr. VAILE. And third, having the relief which she now asks?

Mr. HOWE. Yes, sir.

Mr. VAILE. From Congress?

Mr. HOWE. Yes, sir.

Mr. VAILE. So that if the relief which she now asks is not granted by Congress, either the United States Government will retain all of this trust fund, or she will have to compromise with her husband by giving him a large part of it?

Mr. HOWE. By giving him an opportunity to subrogate her rights, whatever they are, in that fund.

Mr. VAILE. Now, has any evidence been produced anywhere that you know of that Mrs. de Haven would be an undesirable citizen of the United States?

Mr. HOWE. No, sir.

Mr. VAILE. She is a woman of education and refinement?

Mr. HOWE. She is.

Mr. VAILE. She was born in the United States?

Mr. HOWE. She was.

Mr. VAILE. She has an ancestry of Americans back of her who have rendered distinguished service to the Government?

Mr. HOWE. Indeed she has.

Mr. VAILE. Do you think, Mr. Howe—I am asking for your judgment now as an American citizen—that she will be a less desirable citizen of the United States than a large portion of those that are getting in every day under the general laws?

Mr. HOWE. She would certainly be no less desirable than those.

Mr. VAILE. Except for the financial benefit to the Government of the United States by virtue of the confiscation of this trust property, would there be any benefit to the Government by not admitting her to citizenship?

Mr. HOWE. None.

Mr. RAKER. Now, Mr. Howe, you have confidence in your Government, have you not?

Mr. HOWE. I have, sir.

Mr. RAKER. If you have a fear that this treaty of peace will be shortly approved and might cut off any question as to this fund, and if Mrs. de Haven has a good claim, why do you not go right on with your proceedings and demonstrate by her actions in this country that she does not desire to live with her husband, and secure the divorce provided for under the law of such State as she might become a resident of, and then present your claim to the Government for reimbursement because of the conditions?

Mr. HOWE. My answer to that is that if I presented that claim, I would present it on behalf of the executors of Mrs. de Haven's estate, and not for Mrs. de Haven.

Mr. RAKER. Why do you make that statement?

Mr. HOWE. Because that would take too much time. The lady has no money to live that length of time.

Mr. RAKER. You mean that if after she had proceeded in the ordinary course and had obtained a divorce and demonstrated as a fact that she did not intend to live with her husband, and would make her declaration of intention to reside in the United States that it would take too long to secure her claim from the Government?

Mr. HOWE. No, sir; it will take her too long to obtain her divorce. She has not the money to live until she can get the divorce.

Mr. RAKER. I thought you said she had about \$3,000.

Mr. HOWE. She has got about \$1,700 now. I hold that for her.

Mr. RAKER. Is she not able to take care of herself in any way, to do any work of any kind?

Mr. HOWE. She can earn no money, sir. Her health is absolutely shattered. She has never had any equipment to earn money.

Mr. VAILE. Suppose the peace treaty with Germany is signed next month, can she get that money at all?

Mr. HOWE. The peace treaty provides, sir, that no person may make claim on the Government.

Mr. VAILE. Do you know, as a lawyer, of any State in this Union where one can secure a divorce against a person residing abroad without personal service?

Mr. SIEGEL. Or publication?

Mr. VAILE. You can not publish against a person residing abroad.

Mr. HOWE. There are States in which you may publish against a person residing abroad.

Mr. SIEGEL. It requires two years.

Mr. HOWE. It takes time.

Mr. SIEGEL. One is by publication, and one is by personal service at the same time.

Mr. VAILE. That is what was involved in my question; personal service.

Mr. KLECZKA. What would the grounds for the application for divorce be, cruel and inhuman treatment?

Mr. HOWE. Lack of support, cruel treatment, and adultery. She is in position to prove adultery in Germany. It would be difficult to do it here.

Mr. KLECZKA. It would be very difficult.

Mr. HOWE. Yes.

Mr. KLECZKA. It would be very difficult to prove cruel and inhuman treatment, too, unless she produced witnesses who reside in Germany who knew of the facts?

Mr. HOWE. Yes, it would. Nonsupport would be the ground.

Mr. SWOPE. Is it not a fact that she could not get any witnesses to prove any of these causes for divorce, without bringing them from Germany?

Mr. HOWE. Except nonsupport.

Mr. SIEGEL. She, of course, could prove the facts by deposition, but that would take a great deal of time.

Mr. HOWE. I have the opinion of a very well qualified attorney in a western State that she could secure a divorce there on what she is able to prove.

Mr. WILSON. Just eliminating this divorce question, which may be a matter of some uncertainty, I understand that the basis upon which we are asked to recommend this resolution to the House is that Mrs. de Haven's husband, from whom she desires a separation, is a German subject and loyal to Germany, and with what property she has carried to Germany in his possession and under his control, her resultant interest in that is of a doubtful nature?

Mr. HOWE. Yes.

Mr. WILSON. And her ability to get control of it is something that is also very doubtful and uncertain, and that she is loyal to America and has been and is forever done with this German husband, and expects to live here, and in order to be able to sustain herself she desires to get possession of her income from this trust left by her——

Mr. HOWE. Grandmother, the widow of Admiral Bigelow.

Mr. WILSON. And, further, under this will this property is in America and its disposition controlled by an American trust company?

Mr. HOWE. Yes, sir.

Mr. WILSON. And payable only to her?

Mr. HOWE. Yes, sir.

Mr. WILSON. And at the present time it is under the control of the Alien Property Custodian?

Mr. HOWE. That is it.

Mr. WILSON. And she can only get it at this time by the adoption of this resolution restoring her to American citizenship?

Mr. HOWE. That is it.

Mr. VAILE. And probably can only get it at all by the adoption of this resolution?

Mr. SIEGEL. She will never get it at all unless this resolution is adopted.

Mr. WILSON. That is the basis on which we are asked to recommend this resolution?

Mr. HOWE. Yes, sir.

Mr. RAKER. Are you in favor of an American, who was born here and who went to Germany and became naturalized under the German law, being granted the privilege now of returning to the United States and having a special bill presented for relief to become a citizen of the United States for the purpose of obtaining property, a man?

Mr. HOWE. No, sir; I am afraid not.

Mr. RAKER. Are you in favor of legislation now, or the relaxation of the present laws, passport, and otherwise, allowing a German subject to come to the United States now and become naturalized for the purpose of obtaining property that the Alien Property Custodian has in his possession?

Mr. VAILE. Will you pardon an interruption there, Judge Raker?

Mr. RAKER. I will.

Mr. VAILE. I think you misstated the situation.

Mr. RAKER. I am not referring now to anything in this case at all.

Mr. VAILE. I want to refer to something in this case to enlighten you. She is not naturalized under the German law. She did not become a German citizen under the German law.

Mr. RAKER. I did not say anything about this woman at all. These are hypothetical questions.

Mr. VAILE. You based your question on the theory of an American woman becoming a German subject under German law. She became a German subject under American law.

Mr. RAKER. I did not refer to the woman. I avoided the woman entirely. I said man.

The CHAIRMAN. These are not hypothetical questions running to this case. They are general question.

Mr. RAKER. It is going to the legislation, however.

Mr. VAILE. That is what I am referring to.

Mr. RAKER. You misunderstood me, Mr. Vaile. I did not refer to a woman becoming an American at all. I will get to that in just a moment. Did you get my last question?

Mr. HOWE. I got as far as you went.

Mr. RAKER. Would you be in favor of a German subject coming to this country now, and the relaxation of our laws to the end that he might become naturalized for the purpose of obtaining property in the hands of the Alien Property Custodian?

Mr. HOWE. Not a man or a single woman. If a married woman, yes; on account of the disabilities of married women under the laws of most countries.

Mr. RAKER. Then you would be in favor of a German-born woman, the subject of Germany, coming to this country and the relaxation of our rules and regulations to the end that she might become an American citizen, to the end that she might obtain property now in the hands of the Alien Property Custodian?

Mr. HOWE. No, sir; not a German-born citizen.

Mr. RAKER. Now, are you in favor of the law on the statute books now, that a woman, an American citizen, who marries an alien, shall take the citizenship of her husband?

Mr. HOWE. Yes, sir; I am.

Mr. RAKER. Do you think that is a good law?

Mr. HOWE. I do.

Mr. RAKER. But you are willing now and anxious by this resolution to change that law for the specific case, and for the Congress of the United States, by a joint resolution, to pass an act to the end that a party who has married a German subject and has lived in Germany for years, who has raised children there, who are now in Germany and married to German subjects, with grandchildren, if they have them, may come to this country and have Congress pass legislation whereby she would be made now an American citizen by a special act, to the end and for the purpose of obtaining property now in the custody of the Alien Property Custodian?

Mr. HOWE. Yes, sir; in this case I am, because if she were a widow, or if she were divorced, by her return to the United States she would immediately become again an American citizen, although she had been through all the experiences which you indicated in your question, although in that case she had been even the lowest absolutely of all American citizens during her absence.

The CHAIRMAN. And for the further reason of the distress and involved property situation that are the result of the late war between these nations?

Mr. HOWE. Yes, sir.

Mr. SIEGEL. Now, Mr. Chairman, I believe the record should contain the affidavit of Mrs. de Haven, and I request that it be put in the record.

The CHAIRMAN. Without objection, it is so ordered.

Mr. SIEGEL. And, in addition to that, I think we should put into the record a short memorandum showing her relatives, who they were in this country, and what they did.

The CHAIRMAN. Her ancestors?

Mr. SIEGEL. Her ancestors.

The CHAIRMAN. Without objection, it is so ordered.

Mr. SIEGEL. In addition to that, I ask that all the correspondence which has passed between our military attachés and others in regard to her case be put in the record. It is not very long, just four or five pages.

The CHAIRMAN. Without objection, it is so ordered.

(The matter referred to is as follows:)

DISTRICT OF COLUMBIA, ss:

Augusta Louise de Haven-Alten being duly sworn deposes and says:

I was born in New York City, October 21, 1867. My father was Capt. Joseph Edwin de Haven, formerly of the United States Navy. My mother was Amelia Bigelow, whose father was Admiral Abraham Bigelow of the United States Navy. My parents and all my ancestors for many generations were American born. Practically all my male relatives on both my father's side of the house and on my mother's side served in the Army or Navy of the United States in some one of our wars. My Grandfather Bigelow was appointed midshipman in 1812, and during the War of 1812 served with distinction on the *President* frigate and on the brig *Spark*. Thereafter he served for 45 years in the Navy until he resigned March 1, 1857. My father was born in Pennsylvania, was appointed a midshipman from Kentucky, in 1841, and during the Civil War served on the U. S. S. *Colorado*, commanded the U. S. S. *Penobscot*, the U. S. S. *Lebago*, the U. S. S. *Tallapoosa*. He was severely wounded. He resigned May 30, 1865. My father's cousin was Edward Joseph de Haven of the United States Navy, who also served in the Civil War and in 1850 commanded the United States Grinnell expedition to the Arctic for the relief of Sir John Franklin. The late John B. Bigelow, ambassador to France under President Lincoln, was my granduncle. My mother's brother was Lieut. Commander George Bigelow, who served in the United States Navy with credit, in the Civil War. I had two half-brothers. One of them Halstine Joseph At-Lee de Haven, served in the French Army during the present war. The other, Edwin A. de Haven, was a corporal in the Engineer Corps of the United States Army, and died in the service in 1918.

My mother died in New York when I was 2 or 3 years old. After my mother's death we went to live with my Grandmother Bigelow in Chicago. Soon after the Chicago fire my grandmother and my father took me and my sisters to Paris. After living there a short while my father rented and afterwards bought a villa near Geneva, Switzerland. There my grandmother died in 1873. After a few years my father married a second wife who was a Swiss. During my father's life we revisited the United States several times. I was in Washington visiting my married sister Mrs. Townsen Caldwell at the time of my father's death which occurred when I was 14 or 15 years old. After my father's death I went to live in Geneva with my stepmother.

When I became 18 years of age I came into the possession of an inheritance from my mother of a little more than \$100,000. At the same time I began to receive the income from a trust established by my Grandmother Bigelow in her will. This trust was created for the benefit of me and my two sisters, and my share of the income has always been in excess of \$15,000 a year. The Northern Trust Co. of Chicago is now the trustee. The trust property consists largely of Chicago real estate which was acquired by my Grandfather Bigelow before the fire and when Chicago was relatively a small place. I hear that there were only 40 houses in the place.

On my nineteenth birthday I married the German Baron Eberhard von Alten who was then a German officer. He had no means. I met him when he was studying French in Geneva. I think it is unlikely that I would have married a German had my father lived. He did not care for the Germans. I could not speak German. I have learned very little of it since.

Two daughters were the issue of this marriage. They are now alive, married to German officers and living in Germany. My marriage was not happy. When first married I went to live in Germany. After the birth of my first child and before the birth of the second I ran away from my husband and returned to my stepmother in Germany. For my small daughter's sake I was persuaded to return to him. I continued to live in Germany bringing up my children with the help of an English gov-

erness. My youngest daughter married first and went to live in England. In about 1904 I asked for a divorce from my husband and went to stay in England. Then my elder daughter became engaged to be married and to relieve her of the embarrassment of the divorce proceedings I again returned to my husband. After my second daughter was married and in about the year 1906, my husband and I entered into a formal separation agreement which was to last four years. During these four years I traveled and only returned to Germany for short visits to see my children. In 1911, after the expiration of the agreement my daughters persuaded me to return with them to our country place for a short visit.

I learned that while I was at our country place my husband was there guilty of misconduct with one of my servants. I left my husband and Germany forever in 1911. I have never since seen him nor have I since set foot in Germany. In 1912 I instituted a divorce proceeding against my husband in Hanover, Germany, alleging the above-mentioned misconduct as the cause. The divorce suit was heard in the court of first instance in May, 1914. The misconduct of my husband was proven by the sworn testimony of the guilty servant and this testimony was not disputed. The court however, in a labored opinion refused to grant the divorce although it did not adjudge me guilty of any misconduct. This judgment was appealed at once to the superior court at Celle. The date for the first hearing of the appeal was fixed on June 24, 1914. The superior court ruled that before passing on the appeal more evidence must be heard to show the notoriety of my husband's misconduct. An order to produce this evidence was issued in January, 1915. Owing to the conditions caused by the war the witnesses could not be promptly called and then in October, 1915 the whole proceedings was suspended. This was because the German law would not permit litigation against German officers on active duty. My husband who had resigned from the Prussian Army many years before had on his own application been assigned to duty in a safe place on the lines of communication which, however, gave him an active-duty status. The court suspended proceedings on his application and the efforts of my lawyers before the armistice did not succeed in setting aside the order of suspension. I am advised by letter from my German attorneys that the suit has been recommenced and that the decision of the superior court may be expected some time this year. I am further advised that if the action of the superior court is favorable to me there will nevertheless be an interlocutory period of at least six months before the court's decree can be made final.

While the divorce suit was pending the lawyer for my husband offered a financial settlement to my lawyer. The substance of it was that by giving up most of my income and renouncing my capital, matters could doubtless be arranged. Messages were also sent showing that the divorce was contested solely because of my husband's desire to continue to hold my property. I fear that his interest in holding on to my property will induce him to bring all possible influence to bear to defeat or to prolong the suit.

Under the German law all my individual property passed into the custody of my husband on my marriage. He still controls all my individual property. Never since I have left him has he sent me any of the income from my individual property. I am advised that there is little hope of regaining any of my individual property or its income for many months or years; perhaps never.

Aside from my individual property in the hands of my husband and my beneficial interests in the Bigelow estate I have absolutely no property in the world.

On March 25, 1918, the Alien Property Custodian made demand on the Northern Trust Co. for moneys of mine in its possession and shortly thereafter made demand on the Northern Trust Co. for all of my interest, past, present, or future, in the Bigelow estate. Therefore under the provisions of the trading-with-the-enemy act the Alien Property Custodian now holds the right to all my future income. He holds accumulated income for nearly 20 months. This has been turned over to him by the Northern Trust Co.

Late in 1916 my income was remitted to me monthly by the Northern Trust Co., through the Trans-Atlantic Trust Co. of New York, to the Ungarische Allgemeine Creditbank in Budapest, where it was turned over to me. Late in 1916 these remittances stopped coming through. I therefore am advised there must be more than a year's income to my credit in the Trans-Atlantic Trust Co. All the funds of the Trans-Atlantic Trust Co. has been seized by the Alien Property Custodian, and I am further advised that until I am again an American citizen I can not reclaim that accumulated interest.

When the war broke out in 1914 I was living in Switzerland. At that time all credit stopped and I was unable to obtain any money. I therefore went to Budapest where I had friends who took care of me and I continued to remain in Budapest. When remittances stopped coming late in 1916 I had to borrow money in Budapest to give on. I also sold my jewelry and also all personal effects that could bring money.

On the proceeds I continued to live until I succeeded in getting to Switzerland in the spring of 1919. When I reached Switzerland I met a Swiss gentleman who knew my father and with whom I used to play when we were both children. He is a professor. He succeeded in borrowing for me 100,000 Swiss francs for which loan he is himself responsible. With this fund I paid off all my debts everywhere and when on the 21st day of October, 1919, I landed in New York I had little more than \$4,000 of this borrowed money left. The lender can not afford to be kept waiting and I am most anxious to pay the loan. I am, of course, unable to repay it unless the property held by the Alien Property Custodian is returned to me. When what is left of that \$4,000 is gone I shall have absolutely nothing and I do not know what will become of me. None of my near relatives are alive in this country. I hear Mrs. Caldwell died two years ago.

When war was declared between Austria and the United States I started to make efforts to get to Switzerland and back to the United States. I did not cease in these efforts until they were successful in the spring of 1919. I had to apply to the Spanish consul. I would not accept or travel on a German passport when my country was at war with Germany. The Spanish consul tried to help me but without success.

About February, 1919, riots and revolution broke out in Budapest. On the day of the outbreak an immense mob was resisted by soldiers and police near the hotel in which I was. After the conflict some 30 dead and many wounded lay in the street near my hotel. The dead bodies were brought in the corridor of my hotel where I was at the time and then the mob came in and seized everything in the dining room that could be eaten and drunk. The disturbance lasted all night. English officers who had been staying in the hotel were not permitted to depart and there were threats against their lives. I sat up all night in my room with a number of men and women and we were in fear of our lives. At this time there were several American officers in American uniform staying in the same hotel. They said that they were unable to help me or other American-born women because they said their mission was merely one of investigation. They were unable to listen to our appeals for help because we were married to Germans or Austrians but their presence in the hotel at the time had the effect of protecting us. My door and the doors of their room were marked to show that there were Americans inside.

In this situation I decided that I had to accept a German passport. I did not go myself to the German authorities to ask for it, but I sent a friend, who obtained it for me. Arrangements were made for a train to take German refugees back to Germany. I became one of these German refugees. We were put into uncleaned cattle cars, and as the train started the mob cursed us for Boches. The train took 24 hours to reach a point on the outskirts of Vienna. The Germans went on toward Germany and I got off in the railroad yards. All I had with me was two small handbags. I had gotten nothing to eat or drink on the train. Two men helped me with my hand baggage and one of them disappeared with my bag. A drunken man took me on his cart to my hotel, where I arrived with the equivalent of \$6.

My dressmaker lent me some money to live on. She also gave me credit for new clothes. The revolutionaries in Budapest had seized all my other clothes.

Throughout the war I had done my best to assist English interned prisoners. Two of these, Maj. Harry Gurney and Maj. Gotz, when they reached Switzerland, told the American legation at Berne about me and asked help for me. Also in Budapest I met an American correspondent, Mrs. Martin Egan, who had interested herself on my behalf with Col. Yates, of the American Army, who was military attaché in Bucharest. Col. Yates, although he could not assist me to leave Budapest, gave me letters to various officers, among them one to Col. Vix, of the French military mission in Budapest. The French military mission were seized by the revolutionaries, but succeeded in leaving Budapest. Col. Yates's letters, however, helped me with the French military mission in Vienna. When I applied for permission to go to Switzerland the French mission refused me until it had communicated with Col. Yates in Bucharest. He replied vouching for my Americanism and urged that I be given permission to go to Switzerland. I also met in Vienna Col. Godson, of the American Army, our military attaché at Berne. Col. Godson got permission from the Swiss minister for me to go to Switzerland. So finally I received permission from the French mission to leave Vienna and the Swiss permission to enter Switzerland.

I arrived in Berne late in April or early in May, 1919. I had previously, through the Spanish consul, forwarded an application to the Department of State in Washington asking for leave to go to Switzerland. No action was taken on this application as far as I know. I arrived at Geneva and while there I made a second application for permission to return to the United States. This application was forwarded with the approval of the American Legation, and as a result on August 23, 1919, I was issued a certificate of original nationality in lieu of an American passport, and on this certificate I was permitted to return to the United States.

Ever since the war was declared between the United States and Austria I acted in every way as a patriotic American should. My conduct was doubtless investigated by the legation at Berne and was doubtless known to Col. Godson, our military attaché, who so kindly assisted me in my return to the United States. Always in Budapest I wore, where it could be seen, a small enameled American flag. During the war among the Austrians and Hungarians this did me no harm. I spoke with no German and no German crossed my threshold. I wrote to no German except necessary correspondence about my divorce suit. My two daughters sided with their German father and their German husbands and I broke relations with them. I did not communicate with them in any way. I shall be glad to recognize them again as my children only when they return to the United States to become American citizens. It has been my strongest wish since I left Germany, as above stated in 1911, to become again an American. This desire I still have irrespective of how it may affect my property rights. I took the first necessary step toward regaining my American citizenship eight years ago and before any rights in property were involved. Circumstances beyond my control have hitherto prevented me.

I am advised that the American law regards me now as a German citizen because of my marriage to my German husband. I am further advised that by the act of March 2, 1907, I may resume my American citizenship on the termination of my marital relation either by the death of my husband or by divorce.

I am advised that until I am again an American citizen the Alien Property Custodian is powerless, under the trading-with-the-enemy act, to restore to me my future income and the present accumulated income thereof, which are in his hands. It is certain that unless relief by special act of Congress in restoring to me my citizenship, is speedily afforded, I shall be penniless and in dire want before I can regain my citizenship through operation of a suit for divorce. Of the fund of \$4,000 I brought with me to this country, only about \$3,000 is now left. From it I have reimbursed the Northern Trust Co. for an unsecured loan it made to me for traveling expenses from Switzerland to the United States.

Ever since I received my certificate of original nationality I have gone by my maiden name, being known as Mrs. Louise de Haven. I nevertheless must subscribe to this affidavit with my legal name which it is my earnest desire to change as soon as possible.

AUGUSTA LOUISE DE HAVEN-ALTEN.

Subscribed and sworn to before me this 14th day of November, A. D. 1919.

[SEAL.]

SAM'L E. SWAYZE,
Notary Public, D. C.

[From Hamersly's Record of Officers.]

OFFICE OF NAVAL RECORDS AND LIBRARY,
NAVY DEPARTMENT,
Washington, D. C., November 5, 1919.

Paternal side: Mrs. de Haven, daughter of Lieut. Commander Joseph E. de Haven, United States Navy, Civil War service; niece of Lieut. Edward J. de Haven, United States Navy, Civil War service (May 15, 1850, selected by the Secretary of the Navy to command the United States Grennel expedition; sister of Halstine Joseph At-Lee de Haven, officer in French Army; sister of Edwin G. de Haven, in the Engineer Corps, United States Army (died in Liverpool 1918).

Maternal side: Granddaughter of Admiral Abraham Bigelow, United States Navy, who distinguished himself in the War of 1812; niece of Lieut. Commander George Bigelow, United States Navy, who served with credit in the Civil War; grandniece of John B. Bigelow, ambassador to France under President Lincoln; cousin of Assistant Engineer Alpheus Bigelow, United States Navy, Civil War service; cousin of Assistant Engineer B. F. Bigelow, United States Navy, Civil War service; cousin of Lieut. Harry M. Bigelow, United States Navy, Spanish-American War service; cousin of Maj. John Bigelow, United States Army, who distinguished himself in Spanish-American War, wounded in the attack of San Juan (see Who's Who in America, 1918); cousin of Poultney Bigelow, author, etc. (see Who's Who in America).

C. C. MARSH,
Captain, United States Navy.

[Translation.]

No. 8/4.

FRENCH MILITARY MISSION IN AUSTRIA,
Vienna, April 9, 1919.

Gen. Hallier, chief of mission.

To. Mr. Yates, military attaché of the United States at Bucharest.

I have received a request for a passport from the Baroness d'Alten, nee de Haven, who wishes to return to Berne, there to see about her divorce suit.

This lady is recommended by you.

I will be grateful if you will inform us if this is correct, and if you believe that being married to a German there is need to allow her to go to Switzerland.

Gen. HALLIER,
By the CHIEF OF STAFF.

[Translation.]

No. 1675.

AMERICAN LEGATION,
OFFICE OF THE MILITARY ATTACHÉ,
Bucharest (Roumania), April 14, 1919.

Col. H. E. Yates, military attaché of the United States at Bucharest.

To Gen. Hallier, chief of the French military mission in Austria.

In reply to your letter of the 9th instant, reference No. 8/4, concerning the Baroness d'Alten, nee de Haven, I have the honor to say that I recommended her to you and that there are no military reasons which should prevent her from returning to Berne.

She is of a family very well known in America and she is a good American.

H. E. YATES,
Colonel, Military Attaché of the United States.

AMERICAN LEGATION,
OFFICE OF THE MILITARY ATTACHÉ,
Berne, November 26, 1919.

Mr. WALTER BRUCE HOWE,

Care of Messrs. Carlisle, Howe & Swayze,
717 Fourteenth Street NW., Washington, D. C.

DEAR SIR: With reference to Mrs. Louise de Haven von Alten, I met the lady in Vienna and her story, which was supported by Mr. Reineck of the American mission there, to whom she was well known, so excited my commiseration that I did all in my power to get her out of Austria. I am of the impression that the story as recited by you in your letter of November 10 is a pretty correct version of the matter. I certainly think that she should be relieved and that her funds and income should well be restored to her. It seems too bad that a really deserving case should be subjected to so much unpleasantness, when so many so-called pro-Boche Americans are managing to get away with it. I am sorry I can not give you a more satisfactory answer, because it is not in my power.

As far as I was able to see, the lady is a loyal American and the fact that she took a German passport was done by my advice and with my knowledge, as it was the only possible way in which she could get out of Vienna. When she came to Berne I assisted her to obtain her certificate of original nationality. While she was in enemy territory I have every reason to believe that her acts were entirely consistent with those of a good American citizen.

This case is fresh in my mind, because it is about the only case that I know of where an American who remained in Austria or Germany did apparently act like a good American.

Very truly yours,

W. F. H. GODSON,
Colonel of Cavalry, Military Attaché.

993 PARK AVENUE, NEW YORK.

DEAR CAPT. HOWE: I am glad that poor old Baroness von Alten has fallen finally into kindly and capable hands. She has had her full share of troubles and I hope you are going to be able to straighten things out for her.

When I met her in Budapest she was living in one small room and having long since sold or otherwise disposed of her jewels and other valuables in order to maintain herself was reduced to the necessity of "getting along" the best way she could, and I assure you it was a very humble way indeed. But her only alternative was to compromise with her German entanglement and that she steadfastly refused to do. Her separation from her family predated the war by a good many years and I can not

believe she was ever anything but a staunch American. Her Americanism is emphasized in her distinguished ancestry that is her chief pride.

In Budapest she was the center of the American group and when I appealed to Col. Yates in her behalf he decided that he was fully justified in using the influence of his position as American military attaché to get her across Austria and into Switzerland where we had diplomatic representation. I also wrote to our first secretary of legation at Berne and asked him to give her situation special and immediate attention. She really was in desperate straits.

When you see her please give her my warm regards and tell her I hope soon to congratulate her in the termination of her long-drawn-out difficulties.

Very sincerely, yours,

ELEANOR FRANKLIN EGAN.

WHITE'S.

DEAR MRS. DE HAVEN: I inclose you what you want. Forgive me not writing but my dear mother died yesterday and I am too sad to write.

Yours,

H. G.

WHITE'S CLUB, ST. JAMES.

I have much pleasure in saying that Mrs. de Haven did help me considerably whilst I was a prisoner of war in Austria. She did her utmost to get me free and also came down to see me at my internment camp and sent me food, etc., and did everything possible to help me and any other English prisoners.

HENRY GURNEY,

Major, Second in Command,

Fourth Royal Irish Dragoon Guards, Tidworth.

23/11.

LEGATION OF THE UNITED STATES OF AMERICA,

Berne, August 18, 1919.

Baroness LOUISE VON ALTEN DE HAVEN,

Hotel de la Paix, Geneva.

MADAM: The legation has to inform you that it has been telegraphically instructed by the Department of State to issue to you in lieu of a passport a certificate of original nationality permitting you to return immediately to the United States. Kindly transmit to the legation at your convenience a small unmounted photograph and the personal description which is customarily inscribed on passports.

I am, madam, your obedient servant,

For the minister:

J. W. CARROLL,

Third Secretary of Legation.

[SEAL.]

LEGATION OF THE UNITED STATES OF AMERICA,

Berne, August 23, 1919.

This is to certify that Mrs. Louise de Haven was born on October 27, 1867, in New York City, in the United States of America, to which country she is now returning with the permission of the Department of State.

For the minister:

J. W. CARROLL,

Third Secretary of Legation.

Age.....	52.
Height.....	5 feet 2 inches.
Forehead.....	Normal.
Eyes.....	Gray.
Nose.....	Regular.
Mouth.....	Normal.
Chin.....	Regular.
Hair.....	Blond.
Complexion.....	Fair.
Face.....	Oval.

(Signed) LOUISE DE HAVEN.

(Photograph.)

(American legation seal.)

(Consulat general de France Geneve seal.)

(American Legation, Berne, Switzerland, seal.)

DEPARTMENT OF STATE,
Washington, December 2, 1919.

DEAR SIR: I am in receipt of your letter of November 24 relative to Mrs. Louise de Haven-Alten.

I met Mrs. Louise de Haven-Alten in Budapest shortly after the outbreak of the war in 1914. I saw her at frequent intervals thereafter until my departure from Budapest in April, 1917. I never observed in her anything which I could criticize as a non-American attitude. I do not remember any discussions which I may have had with her concerning the war, and although I can not of my own knowledge testify as to her sympathy with Germany, I may say that she left me with no such impression, which was not usually the case with those persons who were partisans of Germany.

Very truly, yours,

WM. COFFIN.

MR. WALTER BRUCE HOWE,
Care of Carlisle, Howe & Swayze,
717 Fourteenth Street NW., Washington, D. C.

NOTE.—Mr. Coffin was United States consul general at Budapest.

The CHAIRMAN. If there are no other questions, the Chair will entertain a motion in regard to the resolution.

MR. VAILE. Mr. Chairman, I move that the committee go into executive session for the purpose of considering action on the joint resolution.

MR. KLECZKA. Do you know of any other cases similar to that of Mrs. de Haven?

MR. HOWE. That have been before Congress?

MR. KLECZKA. No; that are now pending before the Alien Property Custodian.

MR. HOWE. No, sir; I do not. I know of none, and I have heard of none.

MR. KLECZKA. And you have given the names of all of her living relatives in America to this committee?

MR. HOWE. No, sir; I have not done that. I would be glad to make a statement as to what I know about them.

MR. KLECZKA. I wish you would.

MR. HOWE. There were three sisters for whom this trust estate was created—three De Haven sisters. One is Mrs. de Haven here, another is Mrs. Campe, whom I mentioned in my testimony as the widow of a German and now an American citizen, who has had her claim favorably acted on by the Alien Property Custodian; and a third was Mrs. Caldwell, who married an American, remained an American, and died some time during the war. This lady did not hear of the death of her sister for many months, and litigation is now on in Cook County for a construction of the share of that lady's estate in relation to her surviving children.

That lady left surviving children, the nieces of this lady, whom this lady has never seen.

MR. SIEGEL. Do they reside in Illinois?

MR. HOWE. They all reside in America. I think they all reside in or near Chicago.

MR. SWOPE. Have you made any effort to communicate with this lady's relatives in this country?

MR. HOWE. Yes, sir. I wrote to the Northern Trust Co., who referred this matter to me. I came into this matter because I was known to the Northern Trust Co., which could not act in favor of this lady, and referred her case to me. I wrote to them asking them if there was any person in this country that they knew of that could

take care of this lady while she could get a divorce, and they wrote back that there were none. The Caldwell children are quite numerous and they could not afford it. She has never seen them.

Mr. KLECZKA. She has no brothers in this country?

Mr. HOWE. She has a half brother who served in the French Army throughout the war, another half brother who was buried in England, having died there as a corporal of the United States Engineers in 1918. She has no male relatives.

The CHAIRMAN. Is it the desire to hear Mrs. de Haven?

Mr. RAKER. I think she ought to make a statement.

Mr. CHAIRMAN. Mrs. de Haven, you may remain seated and answer any questions.

Mr. RAKER. Let her make a statement in regard to her case.

The CHAIRMAN. You may make any statement you desire.

STATEMENT OF MRS. AUGUSTA LOUISE DE HAVEN-ALTEN.

Mrs. DE HAVEN. My only wish is to become an American, to live over here, and, if possible, to have money to live on. I am not well enough to go to work. That is all I wish. I do not care whether I get my German money or not. All I want is to become an American, be a good American, and live here.

Mr. RAKER. Mrs. de Haven, where were you during the years 1914, 1915, 1916, 1917, and 1918?

Mrs. DE HAVEN. In Budapest.

Mr. RAKER. You stayed there all the time?

Mrs. DE HAVEN. Yes.

Mr. RAKER. Where was your husband?

Mrs. DE HAVEN. In Germany. I did not know anything about him. I heard nothing. In 1911 we separated.

Mr. RAKER. When did you last see him?

Mrs. DE HAVEN. In 1909 or 1910.

Mr. RAKER. Where?

Mrs. DE HAVEN. I saw him on the estate that we bought near Hanover.

Mr. RAKER. Which belonged to you and your husband?

Mrs. DE HAVEN. It does not belong to him.

Mr. RAKER. How much of an estate is it? What is its value?

Mrs. DE HAVEN. I do not know exactly; about \$25,000.

Mr. HOWE. You told me the investment represented about 250,000 marks in the old days, long ago—25 years ago.

Mr. WILSON. That would be about \$25,000 now.

The CHAIRMAN. It would be of uncertain value at this time. I understand she has abandoned her interest in it.

Mr. HOWE. I can not see how she can ever get her interest back; certainly not for years.

Mr. RAKER. You have abandoned your right or claim to that property, have you, Mrs. de Haven?

Mrs. DE HAVEN. I have not abandoned it; but if I do not get it I do not care.

Mr. RAKER. What other property have you in Germany besides this estate at Hanover?

Mrs. DE HAVEN. I think there are mortgages and money in the bank.

Mr. RAKER. About how much is the value of the mortgages?

Mrs. DE HAVEN. I think about 80,000 marks. It was then.

Mr. RAKER. At that time?

Mrs. DE HAVEN. At that time.

Mr. RAKER. How much was the money in the bank at that time?

Mrs. DE HAVEN. About 80,000 marks in the bank, and I think the estate is worth 100,000 marks.

Mr. RAKER. Where are your daughters now?

Mrs. DE HAVEN. I do not know.

Mr. RAKER. How many have you?

Mrs. DE HAVEN. I have two.

Mr. RAKER. What are their ages?

Mrs. DE HAVEN. I have one 25, and the other is 28.

Mr. RAKER. Both married?

Mrs. DE HAVEN. They are both married.

Mr. RAKER. Have they any children?

Mrs. DE HAVEN. One has three little girls.

Mr. RAKER. When did you last see your daughters?

Mrs. DE HAVEN. In 1911.

Mr. RAKER. Have you seen either of them since?

Mrs. DE HAVEN. No.

Mr. RAKER. Have you been in correspondence with them?

Mrs. DE HAVEN. No.

Mr. RAKER. They have not written to you?

Mrs. DE HAVEN. No; we do not correspond.

Mr. RAKER. Have you any sons?

Mrs. DE HAVEN. No.

Mr. RAKER. For the purpose of seeking this legislation did you advise with counsel, Mr. Howe, when you came back to America?

Mrs. DE HAVEN. I tried to come over, but I could not get over, because I was stopped in Budapest. I asked for my citizenship and my maiden name in 1912, and if the war had not broken out I would have been over here and would not have had all this trouble. It was only the war that stopped it. I would have had my divorce in Germany, too. It was because the war broke out that everything was stopped, and I had to come over, or see how I could get over.

Mr. RAKER. Did you consult counsel when you came over here?

Mrs. DE HAVEN. Certainly. I asked them in Budapest.

Mr. RAKER. For what purpose? What did you consult counsel for?

Mrs. DE HAVEN. When I came over here?

Mr. RAKER. Yes.

Mrs. DE HAVEN. I went straight to Mr. Howe.

Mr. RAKER. What did you want of Mr. Howe?

Mrs. DE HAVEN. I wanted my divorce, and I wanted to become an American, and I wanted something to live on.

Mr. RAKER. You investigated the question of obtaining a divorce for some two or three months before you found that would take some time to get?

Mrs. DE HAVEN. Yes; and Mr. Howe told me that what I brought with me was not enough to live on until my divorce was granted.

Mr. RAKER. And you took this course?

Mrs. DE HAVEN. To help to get out.

Mr. RAKER. So that you would be able to get the property now in the hands of the Alien Property Custodian?

Mrs. DE HAVEN. So that I could continue getting my divorce, become an American, and settle down here. I came over for that purpose, and I asked in 1912 for my divorce.

Mr. RAKER. You commenced your first divorce proceedings in 1912?

Mrs. DE HAVEN. Yes; and my daughter asked me to come back because she wanted to marry.

The CHAIRMAN. Your first divorce proceeding was in 1904?

Mrs. DE HAVEN. Yes, and I put it off until 1912, when she was married, and then I left entirely.

Mr. RAKER. Why did you not come back along in 1912?

Mrs. DE HAVEN. I was waiting until my divorce would finish in Germany, and then I would have come over here and everything would have been all right. On account of the war coming on, of course, I could not get over any more.

Mr. RAKER. Does not your sympathy and your heart kind of extend to your two daughters?

Mrs. DE HAVEN. I would prefer if they would come over with me and become Americans.

The CHAIRMAN. But they are married to Germany Army officers, are they not, in Germany?

Mrs. DE HAVEN. Yes. I do not care much for their husbands. I am sorry for them.

Mr. RAKER. How about the daughters?

Mrs. DE HAVEN. Of course, I suppose my daughters love their husbands too much to come over here.

Mr. RAKER. How about you as to them?

Mrs. DE HAVEN. The daughters?

Mr. RAKER. As to your daughters.

The CHAIRMAN. You have a proper maternal affection for them?

Mrs. DE HAVEN. I have. I am very fond of the oldest one, who looks very much like me, very much like an American. The other is like her father. I find in her too much German. The other is much more like me.

Mr. WILSON. You have an affection for your oldest daughter?

Mrs. DE HAVEN. I have an affection for the oldest one.

The CHAIRMAN. You accord them the full right to cleave to their husbands, as always happens when daughters marry?

Mrs. DE HAVEN. Yes, sir.

Mr. WILSON. Mrs. de Haven, relative to this property in Germany, do I understand that the money in the bank and the movable property is under such control of your husband that he may use and expend it at will?

Mrs. DE HAVEN. I think so, yes; because Germany will not give me anything or send me a penny. All the time I was in Budapest I got nothing from Germany.

Mr. WILSON. The point was that if he could use and consume and dispose of those movable assets at will, do you know whether he could—of course, that may be a legal question under the German law, and perhaps Mr. Howe could assist you.

Mr. HOWE. I would like to give my guess on that, that he holds this property somewhat in the nature of a trusteeship, and that he exercises his sole judgment as to how the expenditure of the fund shall be exercised. He may spend it.

Mr. WILSON. Then, unless there is some agreement or something controlling that money in the bank, the movable assets under his control might be consumed and disposed of by him at will.

Mr. HOWE. Yes; that is so.

Mr. WILSON. I was just wondering if it was in that condition.

Mr. SIEGEL. In other words, Mrs. de Haven, what Mr. Wilson is trying to ascertain is whether your husband has got the right under the German law to take over and make use of your money?

Mrs. DE HAVEN. Over there, not here.

Mr. SIEGEL. Over there, but does he make use of that?

Mrs. DE HAVEN. Yes, sir.

Mr. SIEGEL. Can he go to the bank and get your money?

Mrs. DE HAVEN. Yes, sir.

Mr. WILSON. In other words, he has what we term the usufruct, which gives him the right to use this money?

Mrs. DE HAVEN. That is right. That is why he does not want to give me a divorce, because he knows that the moment the divorce is granted he will have no right to keep that money.

Mr. WILSON. That sum amounts to about 80,000 marks. Now, as to the real estate investment, do you know whether that property stands on the records in your name, or in your husband's name, or jointly?

Mrs. DE HAVEN. In his name.

Mr. WILSON. Do you know whether or not, under the German law, he could make a transfer of that money for cash, and receive the cash?

Mrs. DE HAVEN. He can.

Mr. WILSON. He can do that?

Mrs. DE HAVEN. He can do that.

Mr. WHITE. You said money for cash. You meant real estate, did you not?

Mr. WILSON. I meant transfer the real estate.

Mr. WHITE. You said transfer the money.

Mr. WILSON. I meant the real estate and receive the cash for the same, and take possession of the cash?

Mrs. DE HAVEN. Yes, sir.

Mr. WILSON. If that should be true, then you are absolutely at the mercy of your husband as to what you ever get out of your German property?

Mrs. DE HAVEN. Well, they told me that as soon as the divorce—

Mr. WILSON. Well, that may be very indefinite at this time. He may consume and dispose of it and make away with it before the divorce is granted. Then, your only source of revenue and support is from the interest drawn from this trust estate amounting to about \$15,000 a year?

Mrs. DE HAVEN. Yes.

Mr. WILSON. The thing that I would like to know, and, of course, it is probably a fair question to ask, is, before approving this resolution, if you should receive and have returned to you the right to draw the revenue from this trust estate, whether any portion of that would get back into the possession of your German husband or into any German hands at all?

Mrs. DE HAVEN. Never. They have nothing to do with it.

Mr. WILSON. It has been charged in some cases in this country that if the money should be released from the Alien Property Custodian's hands it might go back into Germany, but I judge from the history

of your family, as given here, and the record in this case, that if you could be loyal to America in Germany during the last war, we would be perfectly safe in assuming——

Mrs. DE HAVEN. It would remain here.

Mr. WILSON. It would all be for your benefit?

Mrs. DE HAVEN. Yes.

Mr. WILSON. And not for your Prussian husband?

Mrs. DE HAVEN. No.

Mr. RAKER. Irrespective of what might be the result of this resolution, you have finally and definitely made up your mind to proceed to obtain a divorce at the earliest date possible?

Mrs. DE HAVEN. As quick as possible, just as soon as I possibly can. As soon as I can get off I am off.

Mr. RAKER. And under that divorce, if you get a final decree, you have been advised, and you understand, you would then be obligated, if you live in the United States and intend to reside here, to assume the obligations of an American citizen?

Mrs. DE HAVEN. Certainly, I do.

Mr. RAKER. That is your purpose?

Mrs. DE HAVEN. That is my only wish.

Mrs. RAKER. You have been advised and understand that that will be your status when you get a divorce?

Mrs. DE HAVEN. Certainly. I have come over here to live and become an American, and I worked hard enough to get over here.

Mr. WILSON. Well, if you had not convinced our foreign consuls and others that that was your intention, you would not have been able to get across at all, would you?

Mrs. DE HAVEN. No. I took care of the English over there, several Englishmen that were interned. I sent them food and did what I could for them. I was a real loyal American, and tried to be as good as I possibly could. I took care of the Englishmen. There were two of them. There is one of them who wrote me a most lovely letter. He knows perfectly well that if I had not taken him food he would have had a hard time of it. I often went to see him; I got through without a passport to where he was interned, and helped him when I could, the two of them. One was the brother of Lady Dudley in England, and she was so thankful to me that I helped her brother through.

Mr. WILSON. You have told us how you obtained your passport from Budapest to Switzerland as a German subject.

Mrs. DE HAVEN. I hear that Col. Yates is here in Washington. He is the one that told me that I should take a German passport to get from Budapest to Vienna.

Mr. WILSON. I say you got from Budapest, Austria, to Switzerland, by virtue of having a German passport?

Mrs. DE HAVEN. Yes; the American told me to.

Mr. WHITE. You could not get out in any other way?

Mrs. DE HAVEN. I could not get out in any other way.

Mr. SIEGEL. You used that as an expedient for getting through?

Mrs. DE HAVEN. Yes.

Mr. SIEGEL. You were advised by American Army officers to do that, including Col. Godson?

Mrs. DE HAVEN. Col. Yates and Col. Godson.

MR. RAKER. In obtaining this document which has been read here permitting you to come to the United States, did you make any affidavit when you obtained that permit?

Mrs. DE HAVEN. Yes.

MR. RAKER. Have you got a copy of that?

Mrs. DE HAVEN. Yes.

MR. RAKER. Have you got a copy of either of those affidavits?

Mrs. DE HAVEN. Yes; I think so.

MR. HOWE. I have, sir.

MR. RAKER. Will you read them into the record right here?

MR. HOWE. One was made in Budapest, and one was made in Geneva by an American lawyer. I am sorry I have not a copy of the application to the American legation in Switzerland. I have a copy of the application to the Spanish consul, and I think I have in my office a certified copy of the application she made to our minister in Berne.

MR. RAKER. For a permit to come to the United States?

MR. HOWE. Yes.

MR. RAKER. In that affidavit or application did you state that you were a German subject and had married a German?

Mrs. DE HAVEN. Yes; I think I did. This lawyer arranged it, but I said I was an American and had been 10 years out of Germany and had the right to my nationality.

MR. RAKER. What I want to know, Mr. Howe, is what she said. You have a copy of that affidavit?

MR. HOWE. I have a copy of the affidavit in which she asked to retain her original nationality.

MR. RAKER. That she made before the consul in Berne?

MR. HOWE. Before the minister, I believe.

MR. RAKER. Was that the affidavit upon which she obtained this permission to come to the United States?

MR. HOWE. Yes.

MR. RAKER. You will furnish that to the stenographer?

MR. HOWE. At once.

MR. RAKER. In that affidavit and in your record in obtaining a permit, did you state that you were a German subject and that your husband was a German and in the German service?

Mrs. DE HAVEN. I think so.

MR. VAILE. You have made no concealment anywhere about the facts of this situation, have you?

MR. RAKER. I am not intimating anything of the kind; I am just getting the facts.

MR. SIEGEL. Is that the usual, regular printed form in which they say that they have been born Americans and come from America, those who cannot prove their citizenship?

MR. HOWE. Yes.

MR. RAKER. How could she prove her citizenship when she married a German subject?

MR. SIEGEL. I am not asking for anything of the kind.

MR. RAKER. Did the record that she presented to the consul at Berne, in Switzerland, also show the fact that she was the wife of a German officer?

MR. VAILE. We will have the record, and that will speak for itself.

MR. HOWE. Yes; that appears very clearly in her affidavit, sir; that point.

The CHAIRMAN. State that, as you remember it.

Mr. HOWE. She stated in her affidavit that she was the wife of the Baron von Alten, that she wanted to become again an American citizen, that she had sued him for divorce, and I am not certain, but I believe the affidavit states she had refused to take a German passport.

Mrs. DE HAVEN. Yes.

Mr. HOWE. It appears clearly in her affidavit that she is the wife of von Alten, a German citizen, whom she had not seen since 1911, and that she had not been in Germany since 1911. That appears very definitely. I have here the application she made on February 25, 1919, to the Spanish consul.

Mr. RAKER. I think that might go in the record, too.

Mr. HOWE. I would be very glad to read it in, if I may.

Mr. SIEGEL. Without objection, let it be put in the record without reading.

(The application referred to is as follows:)

BUDAPEST, February 25, 1919.

To the SPANISH CONSUL.

SIR: I the undersigned Baroness A. Louise Alten, born de Haven, of New York, now residing in Budapest, Hungary, declare under oath as follows:

I beg the Spanish consul in Budapest in answer to his letter received February 17 to transmit herewith interrogatories affirmation to the American Legation at Berne, with the request that the legation should do what is necessary for the safeguarding of my interests as my lawsuit begins again on March the 15th, 1919. As all legal documents will be needed in Berne referring to the divorce suit carried on in Germany, I beg the Spanish consul please to forward these documents to the American Legation in Berne, as a statement from the German court would take weeks to obtain, and not be satisfactory at the end for a lawyer. I would like to say, that the following statement is made, in order that the Government of my native country should see, that I am justified in calling upon its protection and help in my distress. My father was Capt. Joseph Edwin de Haven, of the American Navy, my grandfather, Admiral Bigelow. Young and inexperienced, I married Baron Zberhard Alten, but not being happy in marriage, I wished to be divorced many years ago, and only on the entreaties of my daughters I decided to give way to their request. As however eight years ago, information reached me, that Baron Alten was carrying on an unlawful intimacy with his cook under my roof, all of which has been proved, at court by the cook herself, who took an oath in the affirmation, I resolved to hand in my petition for a divorce. The suit began in 1912. Up to the present date, I am unable to attain it.

My wealth Baron Alten deposited in the bank in his name, and without my consent. See the law suit he acknowledged to its being mine, and dastardly offered to consent to the dissolution of the marriage on condition that I renounced all claim to my fortune in Germany, and likewise a part of the income, derived from my wealth in America. Not a penny have I ever received from the money in Germany. I was forced to sell my jewels, furs, and clothes, etc., to cover my expenses, and were it not for the assistance of kind friends in Budapest and the complaisancy of the Allgemeine Ungarischen Credit Bank should I have been able to cover my expenses. I feel that if America does not come forward to intervene on my behalf my property near Limebury, and all money being in Hanover, will be lost to me forever. The German law I hear ustitutes all property and capital on the granting of a dissolution of marriage, and even all interest which has been misappropriated, Baron Alten will do his best to deprive me of it, for that I throw myself on the mercy of my country, as member of one of the most loyal American families, to aid me in getting my divorce and the restitution of my rights, and that, please God, as soon as possible. It is my one wish to get to a neutral country and take again my maiden name. I see no possibility of obtaining a passport or traveling to Berne myself, because of the Swiss Government not allowing aliens to cross their boundary, and having received no answer to two of my letters addressed to the police, Berne, I would only travel on a Hungarian passport, as I have refused absolutely a German one.

My lawsuit is at present in Celle near Hanover, where my attorney lives, too, by name Dr. von der Wall.

My other attorney is Dr. Bodlander.

Potsdanser Strasse 21, Berlin W. T.

I am yours, truly,

A. LOUISE ALTEN,
Born de Haven.

Mr. RAKER. In addition to that, furnish to the stenographer a copy of the application which was made to the United States minister at Berne.

Mr. HOWE. Yes; I will do that to-day.

(The application referred to is as follows:)

SEPTEMBER 1, 1919.

CONFEDERATION OF SWITZERLAND,
City and Canton of Geneva,
Consulate of the United States, ss:

The undersigned, Louise de Haven, does hereby solemnly depose and swear.

1. That I was born in the city of New York, State of New York, United States of America, on the 21st of October, 1867; that my father, Joseph Edwin de Haven, since deceased, was a native-born American citizen and a captain in the United States Navy; that my mother, Amelie de Haven, since deceased, née Bigelow, was a native-born American citizen and was the daughter of Admiral Bigelow, of the United States Navy; that my father, Joseph Edwin de Haven, died in the city of Geneva, Switzerland, in or about year the 1880; that my mother, Amelie de Haven, died in the city of New York in or about the year 1870.

2. That I was married in the city of Berlin (Prussia), Germany, to the Baron Eberhard Curt-Alten on October 21, 1886; that the issue of said marriage, two daughters, are married, but the deponent has severed all relations with my said daughters since the year 1912.

3. Since my marriage I have spent very little of my time in Germany, for the most part traveling in Italy, France, Egypt, Algeria, and Switzerland; that I was last in the United States of America in year 1907.

4. At the outbreak of the war, in 1914, I was living in Murren, Switzerland, and shortly thereafter left for Vienna, Austria, and thence to Budapest, Hungary; that I remained in Budapest until April, 1919, when I returned to Switzerland; that I had tried many times to leave Budapest for Switzerland between February, 1917, and April, 1919, but permission so to do was always refused me, either by the Hungarian authorities to leave Hungary or by the Swiss authorities to enter Switzerland; such refusal was in great part due to this fact, that being married to a German subject I could not obtain an American passport, although I subsequently left Hungary on a German passport, after I had realized that there was no other way for me to leave Hungary. I have ever since—that is to say, since April, 1919—resided in Switzerland.

5. I have not been living with my husband, Baron Eberhard C. Alten, since 1912, when I brought suit against him for divorce in the court of Hanover, Germany; the court of first instance at Hanover refused to grant me a divorce because of the insufficiency of evidence to prove the grounds of adultery charged by me, but the court of appeal has since granted me a temporary separation until further proof was submitted on the new trial before the court of second instance, which has been granted to me in the suit for divorce. I am informed that this new trial will soon take place but will not require my personal presence in Germany; that such new trial has been delayed because of the fact that my husband, Baron Eberhard C. Alten, was in the active service of the German Army although a man over 60 years of age; that such, active service was sought by him, as I am informed and believe, solely for the purpose of delaying my suit for divorce; and, further, that he was not engaged at the battle front, but was engaged in a civil capacity far behind the lines. I am further informed and believe that my husband is prepared to withdraw all opposition to my demand for a divorce in the event of my withdrawing all claims to my property, real and personal, situated in Germany, which I have refused.

6. That prior to the entry of the United States of America in the war of 1914-1918 I was receiving certain income from the United States of America under the will of the last Mrs. Bigelow, my grandmother, through the Northern Trust Co., of Chicago, Ill. Under the said will of Mrs. Bigelow my share of income is to pass to my children, who are now German subjects, upon my death.

7. That my estate and moneys in bank in Germany have been so manipulated by my husband, who, under German law, had the right of administering such funds, that I have been defrauded out of all my said property heretofore owned by me in that country and I am now absolutely without resources and means of support unless I can obtain permission to return to the United States and petition the Government thereof to pay over to me the income due to me under the will of Mrs. Bigelow as aforesaid, prior to and from and after February, 1917, and the accumulations thereof. Further, that I am now too aged and weak from ill health to seek employment further; that I shall endeavor to resume my American nationality as soon as my divorce has

been granted, and that in any event I shall never again reside with my husband or have any relation with him, marital or otherwise. That, as I am informed and believe, my property in Germany has already been squandered by my husband in great part. Herefore, I, Louise de Haven, the undersigned, do hereby petition the legation of the United States of America to request the Government of the United States of America to grant me permission to return to the United States at an early date in order that I may resume my family ties and endeavor to arrange for the recovery of my property, and aforesaid that I am prepared to furnish to the said legation or the Government of the United States of America, which it requests, such further proof as may be required to substantiate the foregoing statements, or any other facts requiring proof, as I may possess.

LOUISE DE HAVEN.

Sworn to and subscribed before me this 1st day of September, 1919.

LEWIS W. HASKELL,
*Consul of the United States of America,
Geneva, Switzerland.*

Mr. KLECZKA. Would any divorce that you might obtain in any State in this country restore this lady to American citizenship?

Mr. HOWE. No, sir. Excuse me. The divorce itself would not, but under the operation of the act of March 2, 1907, she would become an American citizen.

Mr. RAKER. In other words, her divorce and her living here would restore her to American citizenship?

Mr. HOWE. On her getting a divorce.

Mr. SIEGEL. We might as well put that in the record, that portion of the act.

Mr. KLECZKA. Do you know what portion of the act that is?

Mr. SIEGEL. The act itself is the act of March 2, 1907, reading as follows:

SEC. 3. That any American woman who marries a foreigner shall take the nationality of her husband. At the termination of the marital relations she may resume her American citizenship, if abroad, by registering as an American citizen within one year with a consul of the United States, or by returning to reside in the United States, or if residing in the United States, at the termination of the marital relations, by continuing to reside therein.

The moment she gets her divorce she gets back her American citizenship, but if abroad she has got to register with an American consul.

Mr. RAKER. I want to ask that the Alien Property Custodian be requested to appear before the committee on this matter, to find out what property she has, and the status of the matter, before we complete the hearing. I would like to know from him and from the record what the property is, if any, and the situation of it.

Mr. WILSON. Would not a communication from him as to the status of things, and his recommendation in the premises be sufficient?

Mr. SIEGEL. I might suggest in lieu thereof that the clerk of the committee be directed to write a letter to the Alien Property Custodian, to write in full in regard to what his views are in the matter, as to what the property is, etc.

Mr. VAILE. I second the motion.

The CHAIRMAN. Does that meet with your desires?

Mr. RAKER. No.

The CHAIRMAN. Whom do you want?

Mr. RAKER. The Alien Property Custodian.

The CHAIRMAN. When do you want him?

Mr. RAKER. Whenever the committee is ready to hear him. I am ready at any time. I think he ought to come before the committee on this matter.

Mr. SIEGEL. I move, then, Mr. Chairman, that the Alien Property Custodian, or his representative having all the data, be directed to appear before us next Wednesday.

Mr. RAKER. Upon this particular matter.

The CHAIRMAN. Make it next Monday. Can we all be here on Monday. Let him come on Monday.

Mr. SIEGEL. As far as I am concerned.

Mr. RAKER. Make it at the call of the chairman.

Mr. SIEGEL. That will be better.

Mr. VAILE. It seems to me that is not necessary. We can get any facts we need from the Alien Property Custodian by letter. This bill has already passed the Senate, and the matter is urgent. It will be some time before it is called up in the House. We can get plenty of information from the Alien Property Custodian to support or oppose this resolution on the floor, and I think we ought to act on it now.

Mr. RAKER. But, Mr. Vaile, this is the first time we have had a chance to be heard on it, and I would like to know what the attitude of the Alien Property Custodian is in matters of this kind, and the only way I can intelligently vote in the committee is to get all the information in advance, and my examination of the attorney and Mrs. de Haven is a matter for information. Now, when I get all the information, like the rest of you, I will draw my conclusion. I trust you will not prejudice me until we have had all the facts in the matter.

Mr. VAILE. I think we have gotten them all.

The CHAIRMAN. You have made the motion. The motion is that the Alien Property Custodian be invited to appear before the committee at the call of the chairman.

(The question was taken and the motion was agreed to.)

Mr. KLECZKA. That means by Monday at the latest?

The CHAIRMAN. At the latest date we can arrange.

Without objection the committee will be adjourned until 10.30 to-morrow morning, to resume the hearings on the Hudspeth resolution.

(Whereupon the committee adjourned until Friday, January 30, 1920, at 10.30 o'clock a. m.)

COMMITTEE ON IMMIGRATION AND NATURALIZATION,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Tuesday, February 3, 1920.

The committee this day met, Hon. Albert Johnson (chairman) presiding.

The CHAIRMAN. The committee will be in order. The meeting this morning is for the purpose of further considering Senate joint resolution 134, a resolution to readmit Augusta Louise de Haven-Altén to the status and privileges of a citizen of the United States. At the request of Judge Raker, the Alien Property Custodian, Mr. Francis P. Garvan, was asked to be present, and is here, and we will be glad to hear him, Judge Raker desiring to ask him some questions.

Mr. Garvan, do you desire to make a little statement first?

STATEMENT OF MR. FRANCIS P. GARVAN, ALIEN PROPERTY CUSTODIAN.

Mr. GARVAN. Well, I do not quite know just exactly what the committee wants from me. I looked into this case before the application was made, or before this resolution was introduced, and I am in hearty sympathy with anything that can be done to remove this lady from the disabilities she is suffering under now. It did seem to me that it was the property of an individual that it was not the purpose of Congress to make suffer from this war. Her sister had a similar fund, but she happened to be a widow, and when she got back to this country we were able, under the law, to return her money within 48 hours. Our office has investigated as far as we could the facts of this case, and we have every reason to believe that the affidavits and statements presented to you are the absolute truth.

I have the details of what funds of hers we have, if the committee would like to have them.

Mr. RAKER. Just read it, will you?

Mr. GARVAN. This is Alien Property Custodian report No. 12283, trust No. 243. The property seized is the entire interest of Augusta Louise de Haven-Alten in trust fund created by the will of Louise Bigelow in Cook County, Ill., in 1874. The present trustee is the Northern Trust Co. of Chicago, Ill., appointed April 26, 1894. Mrs. de Haven is life tenant with income of about \$15,000 per annum. Accumulations paid Alien Property Custodian by trustee as last noted on Alien Property Custodian's records were \$30,326.46. This property was reported by the Trust Co. September 3, 1917. It was demanded March 25, 1918, and service accepted April 8, 1918.

The only reason for seizing it was the question of her residence and citizenship. She was living in Budapest, Austria, of German nationality. Those are the main facts.

Mr. RAKER. What do you mean by saying that it was demanded on March 25, 1918?

Mr. GARVAN. A report is made by the person who has the custody of the funds belonging to a German citizen. Then a demand is made on that person who is the custodian for that money, which constitutes our title. The service of the demand constitutes the title of the Alien Property Custodian.

Mr. SABATH. That is by the Alien Property Custodian?

Mr. GARVAN. By the Alien Property Custodian.

Mr. RAKER. You say that you paid an amount to her sister, Mrs. de Haven-Alten's sister, out of the same trust fund?

Mr. GARVAN. There were two sisters equally provided for in the same trust fund.

Mr. RAKER. When was that paid?

Mr. GARVAN. That was within a recent time, within a month or two?

Mr. HOWE. Yes; a month or six weeks.

Mr. RAKER. What amount was she paid?

Mr. GARVAN. I think it was a similar amount. I am not sure of the exact figures. I will send them to you for the record.

Mr. RAKER. Do you remember the name of this other lady?

Mr. GARVAN. Baroness von Campe.

Mr. RAKER. Do you know where she is living now?

Mr. GARVAN. I am not sure.

Mr. RAKER. How long had she been in the United States when you made this payment?

Mr. GARVAN. Only a very short time. We have a right, under section 9 of the act, to return property to American citizens. That is a question of their residence. If they return to this country with the intention to remain here they become American citizens, and then, under section 9, we are forced to return to them their property.

Mr. SABATH. You have some affidavits on file relative to this lady here, and you have made investigation, have you, as to her desire to remain in the United States?

Mr. GARVAN. Yes.

Mr. SABATH. And you are satisfied that she ought to be given her rights as an American citizen?

Mr. GARVAN. I am satisfied. I think it was never the intention of the United States Government to hold such property as that.

Mr. SABATH. Was she born in the United States?

Mr. GARVAN. She was born in the United States; yes, sir. Her family were all soldiers and sailors in our military forces.

Mr. SABATH. And it is only due to her long residence abroad that—

Mr. GARVAN. You see, we took the property of American citizens who were in Germany; but, of course, immediately upon their return to this country, under section 9 of the act, they are entitled to the immediate return of that property. We have only to satisfy ourselves that they were not disloyal while they were over there.

Mr. WILSON. If she becomes restored to her rights as an American citizen, you are ready—

Mr. GARVAN. In 48 hours she would be entitled to get her property.

Mr. WILSON. You are thoroughly convinced of the sincerity of her desire to become an American citizen?

Mr. GARVAN. Oh, yes; I do not think there is any question about it.

Mr. RAKER. Mr. Garvan, this lady is in a different status from that which you described. If her husband was dead, she could come back here and assume her American citizenship by residing here.

Mr. GARVAN. By declaring her intention to reside here.

Mr. RAKER. Although she comes back here now and resides here, with her husband living, of course, she is still a German subject?

Mr. GARVAN. Yes.

Mr. RAKER. And she would be a German subject as long as she is the wife of Baron Alten?

Mr. GARVAN. Yes.

Mr. RAKER. And this is a special act to give her citizenship while her husband is still living?

Mr. GARVAN. Yes.

Mr. RAKER. And it is a special concession to this one party as against the general law as to those who marry aliens, that have taken citizenship of the parties they marry?

Mr. GARVAN. Well, I should say that any woman who proved the facts that she proved, and puts herself in her class, and would come down here and ask that you pass a resolution that she get her property back, should have relief.

Mr. RAKER. Why?

Mr. GARVAN. Because it is American money. She is an American-born woman. There is no possible taint of disloyalty in her whole family. They have been soldiers and sailors for generations. The

purpose of the trading-with-the-enemy act was to prevent this money from being used to the detriment of the United States. Here is a woman whose life has fallen hard, and we are asked to relieve her from the unfortunate condition that she is in by virtue of her inability because of this war to get a divorce which apparently she was entitled to.

Mr. RAKER. You could relieve her by returning this money to her, if that was the desire of Congress, without passing special legislation that she should be given the character and privileges of a citizen of the United States.

Mr. VAILE. That would involve a change of the existing law just as much as the other procedure does.

Mr. RAKER. I know; I appreciate that.

Mr. GARVAN. I do not think we could——

Mr. RAKER. She remains a German subject as long as she is married to this man Alten; that is right, is it not, no matter where she lives?

Mr. GARVAN. Yes.

Mr. RAKER. And the general law now is that an American citizen who marries an alien takes the citizenship of her husband?

Mr. GARVAN. Yes.

Mr. RAKER. And we would make a special change in her particular case?

Mr. GARVAN. Yes; that is true.

Mr. RAKER. For the sole and only purpose of obtaining this property?

Mr. WILSON. No; she does not ask it that way.

Mr. GARVAN. She wishes to become an American citizen. Of course, one of her great purposes is to obtain her money.

Mr. RAKER. Exactly, and she so stated what her purpose was, her main purpose now, because she can go on later and secure a divorce, if she wants to, but the main purpose now is to be relegated——

Mr. GARVAN. Mr. Raker, there is just another phase of that question which perhaps I ought to put before you. There are a number of American women that are married to Germans and Austrians, who had a great number of small properties too. They are still living with their husbands, and assumingly their allegiance goes more or less with their husbands. This case is an exception to all those cases, because here is a woman who has struggled to resume her American citizenship since 1912. When you come to legislate on the whole subject of this property, assuming that you will not want to return all the property of all these American wives of German citizens, if you pass a general law not to return them, you will have carried the injustice of this specific case, or this specific case may hamper you in dealing exactly as you want to.

Mr. RAKER. Why do you say the injustice of this specific case? If a party makes his own bed and uses it for 30 years, and is satisfied with it——

Mr. VAILE. At a time when it was a perfectly lawful and proper bed, that nobody objected to——

Mr. RAKER. Then, they ought to some extent abide by it, ought they not?

Mr. GARVAN. Not under the facts of this case, I would not say so. Here is a woman who since 1912 has struggled to resume her American

citizenship. We are asked to return to her American money which her father made in this country. To my mind, we are too big a country to keep such money as that.

Mr. SABATH. And she had lived apart from her husband since 1911.

Mr. GARVAN. Since 1911.

Mr. SABATH. Nearly nine years.

Mr. GARVAN. And began her divorce in 1912.

Mr. SABATH. And began her divorce proceedings in 1912, and has been away from there nearly from that time on, and has been in the United States for a long while. She has been here for some time, has she not?

Mr. HOWE. Since October.

Mr. WHITE. I would like to make this additional statement, that the woman's testimony, unless impeached, stands that she has remained intensely loyal to America throughout the war.

Mr. GARVAN. There is no suggestion of any camouflage here, getting a divorce since we went into the war, or anything of that kind. We have here a woman who, since 1912, has tried to get free from this man, who has not been only patriotic, but violently so to her own detriment since the war began.

Mr. WHITE. She also actively assisted the Allies, the wounded, and the prisoners during the war at her residence in Budapest?

Mr. GARVAN. Yes.

Mr. RAKER. The legal situation now, as you state it, is that you desire her unconditional readmission to the United States, to assume the character and privileges of a United States citizen for the purpose primarily of obtaining property.

Mr. SABATH. Her property.

Mr. RAKER. Of course, I would like to put my own questions, and let the witness answer them.

Mr. GARVAN. I do not like the word "primarily," because I can not search the heart of the woman. From the testimony I would say that her first desire was to feel herself an American citizen, from the violence of her patriotism abroad during the war.

Mr. RAKER. If that is the case, then, she has stated here that she has secured counsel, or counsel stated that they had corresponded all over the United States to ascertain where they could obtain a divorce quickest and easiest, and the only reason for this resolution now is that she is afraid the peace treaty will be approved and her property will be disposed of in the peace treaty. Now, if that is the fact, then primarily this resolution is for the purpose of obtaining this property. Is not that right, if those are the facts?

Mr. GARVAN. That is argument.

Mr. RAKER. Well, if those are the facts, that will be the result, will it not?

Mr. GARVAN. The result of her obtaining citizenship.

Mr. RAKER. Let me ask you this, Mr. Garvan, if it is not a fact that you stated before the committee a minute ago that Congress will have to legislate on this matter after the peace treaty has been disposed of?

Mr. GARVAN. Yes.

Mr. RAKER. Then the adoption of the peace treaty will not affect this property of this party any more than is now the case, and it will have to be disposed of by Congress by legislation?

Mr. GARVAN. Yes.

Mr. RAKER. Then the adoption of the peace treaty now, before a resolution of this kind could be approved and passed, would not affect anyway the proper disposition of this property, should Congress act upon it later?

Mr. GARVAN. Yes, it would, because just as I said, Congress necessarily will have to legislate by classes. We have some 40 odd thousand trusts, and you can not legislate for each individual trust, of course. This woman would fall into the category and be associated in a class with a lot of instances of women who have married German husbands and are still loyal to their husbands, and still want to continue to be the wives of Germans, and you would have to put her into that class. Well, now, the disposition of Congress might well be that it did not want that property to go back to these people who were married to German citizens, and class legislation of that kind would involve an injustice in a specific case of this kind, to which I know of no similar case. In other words, she would be classified, to her detriment, with perhaps 40 or 50 very wealthy women who have married German citizens. I think that the Congress itself would feel much freer to legislate if these specific cases of hardship were specifically disposed of. Then it would leave more freedom to justly legislate by classes.

The CHAIRMAN. You believe that when the time comes to settle everything that is now in the control of the Alien Property Custodian, it will be the desire not only of Congress but of the entire people to have everything settled with the greatest possible equity?

Mr. GARVAN. Certainly.

The CHAIRMAN. In justice to all people?

Mr. GARVAN. Certainly.

The CHAIRMAN. And must be so?

Mr. GARVAN. Certainly.

Mr. RAKER. But why do you take the attitude that we should now amend a general law by making a specific case of giving a woman her citizenship, and all others be denied by virtue of the general law?

Mr. GARVAN. Because the injustice of this case is absolutely abhorrent to me, that is why.

Mr. SABATH. And there have been other cases of a similar nature where special bills have been passed, giving back citizenship to people who had forfeited it practically, and so on?

Mr. GARVAN. May I ask that that be repeated?

Mr. SABATH. I say there have been other instances where Congress has acted upon applications to restore citizenship?

Mr. GARVAN. Yes.

Mr. SABATH. This is not the first case?

Mr. GARVAN. I know of one recent case.

Mr. SABATH. And you believe that justice demands that relief be given to this woman?

Mr. GARVAN. I do.

Mr. KLECZKA. Mr. Garvan, are there any other similar cases now pending before your department, cases that might be put into the same class that this lady is in?

Mr. GARVAN. Not on all fours, I would say. If there were, I would be just as anxious to come up here on a specific bill for them, as there are a great many cases of hardship. The Chairman himself has

called attention to a hardship; and I think we are very anxious to have the legislation at the earliest possible moment.

Mr. RAKER. Section 3 of the act of March 2, 1907, provides that any woman who marries a foreigner takes the nationality of her husband.

Do you believe that law is right?

Mr. GARVAN. I believe most laws are right. I believe it is binding, of course.

Mr. RAKER. Do you think we should pick out a specific case here, just because there is a little property involved, and extend the rights of citizenship to this woman to live here and remain a German subject just the same?

Mr. GARVAN. No, that is not the premise in this case. I mean your question does not involve the facts in this case. Just repeat the question.

Mr. RAKER. I think I have got it wrong. I will strike it out and put another one. Do you believe that by this special act we should give the right and privileges of an American citizen to this woman?

Mr. GARVAN. I do.

Mr. RAKER. And still leave her remain the wife of a German subject?

Mr. GARVAN. I do, under the circumstances of this case.

Mr. RAKER. And that would be for the sole purpose, taking the law as it is, of authorizing her to obtain this property?

Mr. GARVAN. No, she says it is not her sole purpose, but if it were her sole purpose—

Mr. RAKER. I did not say anything about her purpose. I said the purpose of this law would be to authorize her to obtain this property and still remain the wife of a German subject, an alien.

Mr. GARVAN. I do not think it would be the purpose of this resolution to have her remain the wife of this German subject. She is trying to get free from him as fast as she can.

Mr. RAKER. She would still be the wife of a German alien?

Mr. GARVAN. Yes, she would, but that would not be the purpose of the law.

Mr. RAKER. But because there is property involved, and by reason of property being involved, we pass this legislation to allow her to obtain the property, is not that right?

Mr. GARVAN. That is right.

Mr. WHITE. Judge Raker, may I ask you a question?

Mr. RAKER. Yes.

Mr. WHITE. Do you not really think we would be perfectly justified in doing it?

Mr. RAKER. No.

Mr. SABATH. Do you think this great Government should retain this property?

Mr. RAKER. Do you want to put me on the stand? I wish to further examine this witness. If you want to examine me later I will submit to it later, candidly.

The CHAIRMAN. I do not think that after the witness has stated his views the Congressmen should carry it out to unnecessary ends.

Mr. GARVAN. I am quite willing to answer.

Mr. RAKER. I know Mr. Garvin is, and that is the reason I am asking the questions. I want to get the real purpose and object of

this bill. That is what my purpose is, and I, as a member of the committee and of the House, want to do it.

Would you be in favor of repealing this law that I have just read?

Mr. GARVAN. No, certainly not.

Mr. RAKER. Why should we not repeal it and let it apply to all alike, rich and poor?

Mr. GARVAN. I certainly think that if any poor woman came up here with a fund of \$50 in my hands, under circumstances such as this, I hope I would be just as ready to come up here in support of a bill for her. I never knew this woman, and had no acquaintance with her.

Mr. RAKER. No; I am not talking about that.

Mr. GARVAN. I am not appearing here because the amount involved is large.

Mr. RAKER. I know; but what I am getting at is the question of the advisability, Mr. Garvan, of enacting legislation, specific legislation of this kind, whereby the primal purposes, as it appears to me from Mrs. de Haven's counsel, as well as herself, was to obtain this property, that being the case, of course, as I put it.

Mr. GARVAN. I might answer it by this question. Do you think any improper case of so-called special legislation could get by this committee.

Mr. RAKER. We ordinarily try to do as well as we can, but sometimes we overlook some very important features and facts of a case, and we do not get them all, and for that reason we try to be as particular as we can and as careful as we can to give the legislation a proper standing, so that in justice it ought to go through.

That is all I care to ask this witness.

The CHAIRMAN. Do any others desire to ask any questions?

Mr. BOX. Mr. Chairman, I did not hear all of the testimony of Mr. Garvan. It was my fault. I understand that the department has absolutely no doubt that the woman began in good faith to get a divorce from her husband in 1912?

Mr. GARVAN. There is no doubt about it whatever. We have never heard the opposite suggestion.

Mr. BOX. She was separated from him in 1911?

Mr. GARVAN. Yes.

Mr. RAINEY. Of course, you may not be familiar with the facts in regard to her divorce procedure, but do you know what prevented her from getting a divorce in the suit instituted in 1912?

Mr. GARVAN. The opposition of her husband, first, probably because of her property, and then he went into the war in 1914, you see, and was able to get it adjourned from that time on.

Mr. RAINEY. You understand also that she proposes to prosecute the divorce proceeding?

Mr. GARVAN. I understand it has gone to the highest appellate court. It has been bitterly fought in the courts of Germany, where there is a record of everything to show that she was bitterly trying to get a divorce and he was trying to prevent it. I beg your pardon. You started to ask a question.

Mr. RAINEY. I just asked you if you understood that she was going to continue the prosecution of her divorce proceedings?

Mr. GARVAN. I am thoroughly satisfied as to that.

Mr. RAINY. Would action on this matter by the committee affect that proposition one way or the other, as to her divorce?

Mr. GARVAN. How do you mean affect it one way or the other?

Mr. RAINY. Would it interfere one way or the other?

Mr. GARVAN. I think it would help her to get the divorce. I think the German would see that his objection to the divorce was probably—

The CHAIRMAN. In addition, she would have the means to prosecute the divorce proceedings in the United States?

Mr. GARVAN. Yes.

Mr. RAKER. Just interpolating a question there, commencing in 1912, up until October or August, 1914, there appears to be no reason why she could not have returned to the United States and commenced proceedings here.

Mr. GARVAN. She had begun them there.

Mr. RAKER. She could have come here if she was so desirous of coming to the United States.

Mr. GARVAN. If her lawyers advised her that her evidence and everything else was in Germany, and she began the suit right there where she could get service on her husband, and where the testimony was and the facts were, why I assume it was a question for her lawyers to advise her where was the proper place to sue. As I understand it, she carried it to the highest court in Germany.

Mr. HOWE. To the court of appeals from the lower court. The suit in Germany was asked on the ground of adultery.

Mr. GARVAN. So it would be necessary for her to bring her case in Germany where she could get the witnesses of the facts.

Mr. RAKER. Would not the fact that the court of appeals denied the divorce be some evidence that there was not any adultery at all?

Mr. GARVAN. I do not think the court of appeals denied it. It was sent back for a retrial.

Mr. HOWE. The court of appeals sent the case back to the court of first instance, to take the testimony of four more witnesses on the question of the public nature of the disgrace brought on this woman by the adultery. That was the only question left to be determined in the lower court, and it was that hearing which was set aside at the outbreak of the war upon the entry back into the German Army, in a safe job on the line of communication, of the defendant in this divorce suit.

Mr. RAKER. I want to offer in evidence here in this connection pages 121 to 125, both inclusive, of the American Almanac, Year-book, Cyclopaedia, and Atlas for the year 1903, and pages 520 to 522, both inclusive, of the World Almanac and Encyclopaedia for 1917, showing the American women who have married titles, running up to some 200 or 250, for the purpose of showing that this provision of the law which I have just read was put in for some purpose, and that this country ought not now to begin to legislate for special cases, simply because and by reason of property involved; that citizenship should be the primal purpose. To the end that the House may have it I will ask that the reporter put these in his notes, Mr. Chairman, these names and titles.

The CHAIRMAN. Without objection, the matter described will be placed in the record.

(The matter referred to is as follows:)

AMERICAN WOMEN WHO HAVE MARRIED TITLES.

[By Cholly Nickerbocker.]

The number of American women who have married into the noble families of the Old World may be enumerated by hundreds, one of them, indeed, Miss Alice Heine, of New Orleans, La., having actually secured a seat upon a European throne by becoming the full-fledged consort of the now reigning Prince of Monaco, from whom she is, however, now legally separated. Miss Lee, of Brooklyn, now Countess Waldersee, is the widow of a royal prince, Frederick of Schleswig-Holstein, the uncle of the present Emperor of Germany, while Miss Elsie Hensler, of Boston, was recognized as the morganatic wife of Prince Ferdinand of Saxe-Coburg-Gotha, when he was King of Portugal. Miss Patterson, of Baltimore, was legally the wife of Prince Jerome Bonaparte before he was King of Westphalia. Miss Hamel, of New York, married a royal personage, Prince Louis of Bourbon, and Prince Yturbe, the husband of Miss Green, of Georgetown, was the adopted son of the late Emperor Maximilian, of Mexico.

The following list of American women who have married titled foreigners is more complete than any yet published:

- Abbott, Miss Ellen F., of Philadelphia, to Count Cerati di Calry, 1880.
- Allen, Miss, of New York, to Count Sanza de Loba.
- Allen, Miss Annie Russell, of St. Louis, to Duke of Montefeltro.
- Andrews, Miss Isabella, of New York, to Count von Linden, 1876.
- Audenried, Miss Florence, to Count de la Forest Divonne.
- Bachmann, Miss Elsie, of Massachusetts, to Count Pourtales, 1848.
- Barbey, Miss, to Count de Pourtales.
- Bartlett, Miss Florence A., of New York, to Don Estaban Santa Cruse de Oviedo.
- Barton, Miss, of Georgetown, to Baron Constantine Bodisco.
- Beale, Miss Mary, of Washington, to Baron Bakhmeteff.
- Beckwith, Miss Helene F., to the Hon. Dudley Leigh.
- Beckel, Miss Martha W., of New York, to Baron Burkhard von Munechhausen, 1898.
- Bell, Miss Henrietta, of New York, to Count Paul D'Armont, 1902.
- Benham, Miss Ada, of Cincinnati, to Lord Fairfax, 1845.
- Benson, Miss, of Brooklyn, to Count de Charvanne.
- Berdan, Miss, to Count Lepeltier d'Aunay.
- Berna, Miss, of New York, to Count of Oriola, 1880.
- Bingham, Miss Anne, of Pennsylvania, to the Hon. Alexander Baring.
- Bingham, Miss Maria Matilda, to Henry Baring.
- Bingham, Miss, of Pennsylvania, to Lord Ashburton.
- Binney, Miss Mary, of Burlington, N. J. (Mrs. Thomas Kindsland, divorced), to Prince of Camporeale, 1888.
- Bispham, Mrs. T. (née Elizabeth Page, of New Jersey), to Sir W. L. Booker.
- Blake, Miss Mary, of Boston, to Vicomte de Coetlegien, 1864.
- Blunt, Miss Anna, of Washington, to Baron de Riviera.
- Bonaparte, Miss Louise, of Baltimore, to Count Adam von Moltke-Huitfeldt.
- Bonynge, Miss Virginia, of San Francisco, to Viscount Deerpurst, May 10, 1904.
- Bonynge, Miss, of San Francisco, to Gen. Sir John Maxwell.
- Boosier, Miss Marie A. B. Beauvar, of New Orleans, to Count Arthur de Pourtales, 1876.
- Brady, May, to Capt. Hall, English Army.
- Brewster, Miss, to Count Frankenstein.
- Broadwood, Miss Eva, of New York, to Prince Alexander Ruspoli, 1877.
- Brown, Miss Elizabeth, to the Hon. Archibald Marjoribanks.
- Brown, Miss Ethel Spencer, of Chicago, to Count Edouard de Grammodo.
- Bryant, Miss Eva Julia (Mackay), of San Francisco, to Prince Ferdinand Colonna, 1885.
- Bunce, Miss Isabella, of Ohio, to Baron von Schellendorf.
- Burke, Miss Maud, of Chicago, to Sir Bache Cunard.
- Burnet-Steers, Miss, to Count Etienne de Maleyessie.
- Burn, Miss Eliza, of New York, to Sir Robert James Stuart Graham, 1874.
- Burton, Miss, to Sir Edmund Buckley.
- Butterfield, Miss, of New York, to Count de Montauban, 1872.
- Cadwalader, Miss, of Washington, to Sir David Montague Erskine.
- Caldwell, Miss Lena, to Baron von Sedwitz.
- Caldwell, Miss Mary G., to Marquis des Merenville.
- Campbell, Miss Mabel, of New York, to Prince San Faustino.
- Carr, Miss Grace, of Louisville, Ky., to Lord Bewborough, November 7, 1900.
- Carey, Miss Elizabeth, to the Chevalier de Stuers (divorced).
- Carroll, Miss Agnes, of Virginia, to Count Heussenstamm zu Heussenstein, 1877.
- Carroll, Miss Caroline, to William Haggard (divorced).

- Carroll, Miss E., of Virginia, to Baron de la Grange, 1870.
 Carroll, Miss, of Washington, to Count Esterhazy.
 Carroll, Miss, of Virginia, to Count de Kergolay.
 Cass, Miss Belle, to Baron von Limbourg.
 Caton, Miss, of Baltimore, to Marquis of Wellesley (both dead).
 Chamberlain, Miss Jennie, of Cleveland, Ohio, to the late Sir Herbert Neylor-Leyland, 1889.
 Chandler, Mrs. William G., of Mobile, to Baron Adolphe von Rogues, 1867.
 Chappin, Miss, of New York, to Count Villard Villars (divorced).
 Chizelle, Miss Elizabeth, of Philadelphia, to Baron Stillfried, 1875.
 Chrisholm, Miss, of New York, to Count Leonati.
 Christmas, Miss Norma, of Natchez, Miss., to Marquis de Suarez d'Aulan, 1886.
 Clafin, Tennessee, of New York, to the late Sir Francis Cook, 1885.
 Colgate, Miss, to the late Earl of Strafford.
 Collins, Miss Edith, of New York, to Count Richard Bey Czaykowsky.
 Conrad, Miss Lizzie, of New York, to Marquis Teodoli.
 Cook, Miss, to Count de Heridia.
 Corbin, Miss Elizabeth, of Virginia, to Marquis de Montfort, 1870.
 Corbin, Miss Louise, of New York, to Earl of Orford, 1888.
 Corbin, Miss Mary, of Virginia, to Comte de Dompierre, 1873.
 Coudert, Miss Claire, of New York, to the Marquis de Choiseul.
 Cummings, Miss Ida, to Baron Von Biedenfeld.
 Curtis, Miss Bessie, of New York, to Marquis Maurice de Talleyrand Perigord (now Duc de Dino), 1867 (divorced).
 Curtis, Miss Josephine, of New York, to Prince Poggio-Suasa, 1885.
 Cutting, Miss Annie, to Baron de Vriere.
 Cuyler, Miss Elanor, to Sir Philip Gray-Egerton.
 Dahlgren, Miss, of Washington, to Baron von Overbeck, 1867.
 Dameron, Miss Mary, to Count Ravensloe-Criminil.
 Davis, Miss Flora, to Marquis of Dufferin and Ava.
 Davis, Miss Mathilde, of New York, to Duke of Lante Monfelfrio della Rovere, 1866.
 Douillard, Miss Florence, of Nashville, Tenn., to Count de Pourtales.
 De Wolf, Miss Blanche, of Bristol, R. I., to Baron Louis de Levey (Hungary).
 Donohue, Miss, of San Francisco, to Baron von Schroeder.
 Dove, Miss Laura, to George Haldane Duncan.
 Dunlap, Miss Margaret, of Louisville, Ky., to Comte de la Boissiere.
 Dhret, Miss, to Baron von Sadlitz.
 Ellison, Miss Pattie, of Kentucky, to Sir Charles Ross, 1901.
 Endicott, Miss Mary, of Massachusetts, to the Right Hon. Joseph Chamberlain, 1888.
 Endicott, Susan, to Col. Ralph Vivian.
 Field, Miss Elizabeth H., of New York, to Prince Brancaccio, 1870.
 Field, Miss Jeanie Lucinda, of New York, to Sir Anthony Musgrave, 1870.
 Field, Mrs., of Philadelphia, to Baron de Fontilliot.
 Fish, Miss Edith L., of New York (dead), to the Hon. Hugh Oliver Northcote, 1883.
 Fisher, Miss Blanche, of New York, to Count d'Aramon, 1870.
 Fisher, Miss May, of New York, to Comte James d'Aviamen.
 Fisher, Miss, of New York, to Count della Gherasdescha, 1872.
 Fithian, Miss Fanny, of Santa Barbara, Calif., to Count Arthur de Gabriac.
 Fitzgerald, Miss, of Litchfield, Conn., to Lord Edmund Fitzmaurice (divorced).
 Flagler, Miss, to the late Baron Harden Hickey.
 Forbes, Miss Mary E., of New York, to Duke of Choiseul-Craslin, 1874.
 Foster, Miss Anna, of Brooklyn, to Baron von Stenin, 1871.
 French, Miss Elizabeth, of New York, to Lord Cheylesmore.
 Friedner, Miss Louise, of San Francisco, to Baron Vietinghoff, 1887.
 Frost, Miss Louise, of St. Louis, to the Hon. William F. C. Vernon, 1884.
 Frost, Miss Evelyn, of St. Louis, to Philip Beresford Hope, 1883.
 Frost, Miss Jane G., of St. Louis, to Sir William Molesworth, 1875.
 Fry, Miss, of New York, to Marquis Carlo Vetti Torrigiani, 1885.
 Gallatin, Mrs. Herbert, of New York, to Count Auguste de Rohan Chabot, 1875.
 Garner, Miss Florence, of New York, to Sir William Gordon-Cuming.
 Garner, Miss Lita, to the Marquis de Breteuil.
 Garrison, Miss Estelle, of New York, to the Hon. Charles Maule Ramsay, 1885.
 Gillender, Miss, of New York, to Marquis di San Marzano., 1872.
 Gilmour, Miss Eliza, of New Orleans, to Francis Masey-Dawson, 1870.
 Goddard, Miss, of New York, to Prince Charles Poniatowski, 1884.
 Gordon, Miss Emily Katherine, of Ohio, to Baron Vilain XIV, 1884.
 Gordon, Miss Mabel, to the Hon. Rowland Leigh.
 Gould, Miss Anna, of New York, to Count Boni de Castellane.
 Grace, Miss Elena, of New York, to the Earl of Donoughmore, December 21, 1901.

- Grant, Miss Adele, of New York, to the Earl of Essex.
 Grant, Miss Julia Dent, of Chicago, to Prince Cantacuzene.
 Grant, Miss Mary, of Washington, to William Oswald Charlton, 1873.
 Green, Miss Josephine, of Georgetown, to Prince Angel Yturvide.
 Green, Miss, of San Francisco, to Sir James Home.
 Greene, Miss Georgiana F., of Virginia, to Alfred William Anson, 1876.
 Griffin, Mrs. Charles, of Washington, to the late Count Esterhazy-Golantha, 1883.
 Haggin, Miss Ella, of California, to Count Rudolph Festetics (divorced).
 Haight, Miss, of New York, to Count de la Torre.
 Hale, Miss Josephine, to the Hon. Robert Boyle.
 Hamel, Miss, of New York, to Prince Louis of Bourbon.
 Hammersley, Mrs. Louis, of New York, to the late Duke of Marlborough, 1888, Lord William Beresford (also dead).
 Hamilton, Miss Margaret, of California, to Sir Sidney Hedley Waterlow, 1882.
 Hammond, Miss Mary, of New York, to Marquis Lanza, 1885.
 Hatcher, Miss Louise, of Indiana, to Baron Gomez, 1886.
 Hazard, Miss Florence, E., of New Jersey, to Prince Franz von Auersperg.
 Heine, Miss Alice, of New Orleans, to the late Duke of Richelieu; Prince of Monaco (separated).
 Hensler, Miss Elsie, of Boston, morganatic wife of the late Prince Ferdinand of Saxe-Coburg-Gotha, King of Portugal, 1869. Created Countess of Edla in Germany.
 Hewitt, Miss Marie C., of Ardsley, N. Y., to Edward Jaffray, 1901.
 Heyward, Miss Mary, of New York, to Count de Chabot, 1875.
 Hoffman, Miss Medora M., of New York, to Marquis de Mores, 1882.
 Holman, Miss, of Baltimore, to Baron Moncheur.
 Hooper, Miss Mary, of Cincinnati, to Marquis d'Adda-Salvaterra, 1877.
 Howard, Miss Hanna S., to the Hon. Octavius Lambert.
 Howard, Miss, of Boston, to Baron de Stoecke.
 Howell, Miss Kate, of South Carolina, to the Earl of Egmont.
 Hubbell, Miss Beulah, of Des Moines, Iowa, to Count Carl Axel Wachtmeister.
 Hungerford, Miss Ada, of California, to Count Josef Telfener, 1876.
 Huntington, Miss Clara, of New York, to Prince Francis Hatzfeldt.
 Hutton, Miss Annie, of New Jersey, to Count Moltke-Huitfeldt (Denmark), 1860.
 Hutton, Miss Fannie, of New Jersey, to Marchese di Porta, 1873.
 Irby, Miss Alice, to the late Lord Malcolm of Poltallock.
 Ives, Mrs. J. P. (née Moltley), to Sir William Vernon Harcourt.
 Jansen, Miss Marie, of Yorkville, to Count Oscar Moltke (zu Neor), (Denmark), 1869.
 Jerome, Miss Jennie, of New York, to the late Lord Randolph Churchill, 1874; George Cornwallis West, 1900.
 Jarome, Miss Leone Blanche, of New York, to John Leslie, 1894.
 Jones, Miss Maria, of New York, to Hon. Edmund A. M. Sandys, 1884.
 Jones, Miss Mary, of New York, to the late Count de Trobriand, 1865.
 Jones, Miss, of Audubon Park, N. Y., to Viscount d'Asch.
 Joran, Miss Clara P., of Freeport, Ill., to Baron de Busch, 1900.
 Joy, Miss Agnes Leclercq, of Vermont, morganatically to the late Prince Salm-Salm, of Germany; then to Charles Heneage, of England.
 King, Miss Mary Livingston, of Georgia, to the late Hon. Henry Wodehouse; then to the late Marquis of Anglesey, 1880.
 King, Miss, to the late Richard Waddington.
 Kingsbury, Miss Nina, to Count de Goverville.
 Kingsland, Mrs. Thomas, to Prince Camporeale, of Italy.
 Kinney, Miss Constance, of New Jersey, to Count Caesar Gianotti (Italy), 1872.
 Kirby, Miss Mary, to Lord Fairfax, 1857.
 Knowlton, Miss May, to Count Sierstorpf.
 Lawrence, Miss Frances M., of New York, to Lord Vernon, 1885.
 Lay, Mrs. William, of Philadelphia, to Count von Goetzen.
 Ledoux, Miss Anita, of New Orleans, to Baron de Brin, 1886.
 Ledoux, Miss Mary, of New Orleans, to Marquis de Valori, 1888.
 Ledyard, Miss Maud, to Baron von Ketteler.
 Lee, Miss Mary, of Brooklyn, to the late Prince Frederick of Schleswig-Holstein; then to General Count Waldersee, 1874.
 Leiter, Miss Mary, of Chicago, to Lord Curzon, of Kedleston.
 Lewis, Miss Bertha, to Prince Charles Isenburg-Birstein.
 Lewis, Miss Mary, of Connecticut, to Count Amadei, 1880.
 Livingston, Miss Carola, to Count de Laugier-Villars.
 Livingston, Miss Elizabeth, of Staatsburg, N. Y., to William G. Cavendish-Bentinck, 1880.
 Livermore, Mrs. Charles F., to Baron Raymond de Seilliere.

Lorillard, Mrs. George L., of New York, to Count de Casa de Agreda, 1889.
 Lothrop, Miss Emily, of New York, to Baron von Hoyningen-Huene, 1888.
 Lowery, Miss Virginia, of Washington, to Duke d'Arcos, of Spain.
 Luckers, Miss Ella, of New York, to Count von Bernstorff, 1888.
 Mackay, Miss Eva. (See Bryant.)
 Mackay, Mrs. Gordon, to Count von Breuning.
 Magruder, Miss Helen, of Washington, to the late Lord Abinger, 1863.
 Martin, Miss Cornelia, of New York, to the Earl of Craven.
 McAllister, Miss, of Philadelphia, to Count Folchi-Cici, 1880.
 McCall, Miss Meta, of Philadelphia, to Count de Balleroche, 1871.
 McCarthy, Miss Amelia, New York, to Conte de Dion, 1883.
 McKean, Miss Sallie, of Philadelphia, to Marquis d'Yrujo.
 McKnight, Miss Caroline, of Bordentown, N. J., to Count Constantine Buxhoeveden, 1847.
 McLaw, Miss Helen, of Staten Island, to Marquis de Calderon de Barca, 1879.
 McLean, Miss Jessie, of Newburg, to the Hon. Charles Spencer-Cowper, 1871 (both dead).
 McVicker, Miss Catherine (dead), of New York, to Lord Grantly, 1879.
 Meigs, Miss Helen C., of Washington, to Count De Naffray, 1877.
 Meinell, Miss Amelia, to Baron Klenck.
 Meinell, Miss Elizabeth, of New York, to Baron La Tournelle, 1887.
 Meinell, Miss Mary, of New York, to Count d'Avenel, 1880.
 Melbourne, Miss Blanche, to the Hon. Randolph Mostyn.
 Milmo, Miss, of New York, to Prince Albert Radziwill.
 Miltenberger, Miss, of New Orleans, to Vicomte Roger.
 Minturn, Miss Susan Carter, of New York, to Thomas Charles Baring, 1859.
 Mitchell, Miss Hattie, of Portland, Oreg., to the Duke de la Rochefoucauld.
 Montgomery, Miss Eulalie, of Louisiana, to Count de Sully-Bethune, 1845.
 Montgomery, Miss Laura, of Colorado, to Count Otto de Pourtales, 1881.
 Mooney, Miss Margaret, to Lord Sholto Douglas.
 Moore, Miss, of Philadelphia, to Baron von Rosen.
 Moore, Miss Mary, of Philadelphia, to Baron von Bildt, 1874.
 Morgan, Miss May, of Philadelphia, to Sir Francis R. Plunkett, 1870.
 Motley, Miss Elizabeth, to Sir William Vernon Harcourt, 1876.
 Motley, Miss Susan, to Col. Herbert St. John-Mildmay, 1884.
 Moulton, Miss Helen, of Albany, to the late Count Paul von Hatzfeldt, 1863.
 Moulton, Miss Mary, of Washington, to Baron von Raaben, 1886.
 Murphy, Miss Anita Theresa, of San Francisco, to Sir Charles M. Wolseley, 1883.
 Murphy, Miss Matilda M., of New York, to Sir Robert Burnett, 1864.
 Mysie, Miss, to Baron Buckley.
 Nichols, Miss, to Marquis de Chambrun.
 Niven, Miss Mary, of New York, to Conte de Seres, 1887.
 O'Donell, Miss Alice, of Baltimore, to Count de la Bassetiere, 1888.
 Orne, Miss Katherine, of Philadelphia, to Count de Barralha, 1877.
 O'Sullivan, Miss Emily, to Count de San Carlos, 1876.
 Page, Miss, of New York, to Marquis de Spinola.
 Palmer, Miss Juliette, of Washington, to Charles Frederick Adam, 1888.
 Palms, Miss Martha, of Detroit, Mich., to Count Laurent Champeaux.
 Parkes, Miss Kate, of Brooklyn, to Count Mounzelli.
 Parkhurst, Mrs. Marie J., of Maine, to Prince Joseph Rospigliosi.
 Parsons, Miss May, of Elmhurst, Ohio, to Prince de Lynar, 1871.
 Partridge, Miss Emily, of Chicago, to Prince Engaletcheff.
 Patterson, Miss Elizabeth, of Baltimore, to Prince Jerome Bonaparte (both dead).
 Penniman, Miss Helen, of New York, to Baron de Bremont, 1874.
 Perry, Miss Jane J., of Charleston, S. C., to Duke of Litt.
 Peters, Miss Sidonie, of New Albany, to Baron von Buest, 1853.
 Phalen, Miss Florence, of New York, to Count de Garbriac, 1861.
 Phalen, Miss Catherine, of New York, to Count de Narbonne-Lara, 1863.
 Phelps, Miss, of Vicksburg, Miss., to Count Piola Caselli.
 Phelps, Miss, to Dr. von Rothenburg.
 Pilie, Miss Marie, of New Orleans, to Baron E. Hirsch, 1876.
 Pilie, Miss, of New Orleans, to Marquis de Chasseloup-Loubet, 1874.
 Polk, Miss Mary, of Nashville, to Gen. Baron de Charette, 1879.
 Porter, Miss Ellen, of Newport, to Count de Castiglione.
 Ray, Miss, of Philadelphia, to Viscount de Courval, 1872 (both dead).
 Ray, Miss Melissa, to Lord Reade.
 Reade, Miss Mary, of New York, to Lord Falkland, 1879.
 Read, Miss Maria, to Count de Foras.

- Reed, Miss Florence V., of New York, to Count De Bertier De Sauvigny, 1902.
 Reid, Miss Ann, of New York, to Sir Arthur P. F. Aylmer, 1885 (divorced).
 Richardson, Miss Martha A., of Philadelphia, to Sir Charles Kortright, 1862.
 Ridgeway, Miss, of Philadelphia, to Comte de Ganay
 Riggs, Miss Cecilia, of Washington, to Sir Henry Howard, 1867.
 Riggs, Miss, to Prince Paolo Ruspoli.
 Rives, Miss Amelie, of Virginia, to Prince Pierre Troubetskoy.
 Robert, Miss Emily Augusta, of New York, to Sir Edmund Hornby, 1875.
 Roosevelt, Miss Cornelia, of New York, to the late Baron Seydlitz, 1888.
 Russell, Miss Edith, of Boston, to the late Baron Playfair, 1878; F. Fleming Crooks, Esq.
 Sampson, Miss Adela, of New York, to the Duc de Dino, 1887.
 Sanger, Miss Helen, of Utica, to Sir Digby Murray, 1861.
 Satterfield, Miss Marie, of Buffalo, to Count Franz Josef von Larisch, 1901.
 Schaumberg, Mill Emily, of Philadelphia, to Lieut. Col. F. C. Hughes-Hallet, 1882.
 Scott, Miss Julia, of New York, to Count Erodedy.
 Scullin, Miss Mae, to Baron Carl de Ghest.
 Sharon, Miss Florence E., of Nevada, to Sir Thomas Hesketh, 1888.
 Shenley, Miss Elizabeth, to the Hon. Ralph Harbord, 1865.
 Sibley, Miss, of Sutton, Mass., to Sir Percy Lampon.
 Singer, Mrs. Isaac, of Boston, to Duke of Camposelice, 1886.
 Singer, Miss Isabella (dead), of Boston, to Duke Decazes, 1888.
 Singer, Miss Winnaretta, of Boston, to Edmond Prince de Polignac, 1887.
 Slidell, Miss, of Virginia, to Count de Saint-Roman, 1865.
 Slidell, Miss, of Virginia, to Baron Erlanger.
 Slocumb, Miss Cora, of New Orleans, to Count de Brazza-Savorgnan, 1887.
 Smith, Miss Mimi, of Mobile, to Viscomte de Fontenilliat, 1887.
 Spencer, Miss Elanore, of New York, to Prince Vicovaro, 1870.
 Sperry, Miss Elizabeth, of Stockton, Calif., to Prince Andre Poniatowski.
 Stager, Miss Ellen, of Chicago, to Lord Arthur A. W. F. Butler, 1877.
 Stevens, Miss Maria, of Albany, to Sir Francis Henry Evans.
 Stevens, Miss Minnie, of New York, to Maj. Gen. Arthur Paget.
 Stokes, Miss Sarah Phelps, of New York, to Baron Halkett (divorced).
 Stokes, Miss, of Philadelphia, to Count Soderini.
 Story, Miss Mary, to Commandatore Simeoni Peruzzi, 1889.
 Taylor, Miss Theresa, to Comte de Noue.
 Terry, Miss Natty, to Prime Guy de Faucigny Lucinge.
 Terry, Miss, to Baron de Blanc, 1879.
 Thomas, Miss Helen, of New York, to Viscount d'Arglemont.
 Thorndike, Miss Ella, of New York, to Count de Sartiges, 1874.
 Thorne, Miss, of New York, to Comte de Pierre, 1861.
 Urquhardt, Miss Amelie, of New Orleans, to Baron de Baigne, 1864.
 Van Buren, Miss Edith, of New York, to Count de Castelmarado.
 Vanderbilt, Miss Consuelo, of New York, to the present Duke of Marlborough.
 Vanmarter, Miss Leonora, of Tacoma, Wash., to the Earl of Tankerville.
 Wadsworth, Miss Cornelia, of Washington, to John T. Adair, 1867.
 Walker, Miss Mary, of Philadelphia, to Comte de Cibo.
 Ward, Miss Adele, to Baron A. von Bulow, 1885.
 Ward, Miss Clara, of Detroit, Mich., to the Prince Joseph de Caraman de Chimay (divorced).
 Warden, Miss Juliet, to the Hon. Sir William H. P. Carrington.
 Wheeler, Miss, of Philadelphia, to Count Maximilian Pappenheim (divorced).
 Whitcomb, Miss Audrie, of California, to Baron Lepic, 1902.
 Whitney, Pauline, to Almeric Paget.
 Whittier, Miss Susan, of Boston, to Prince Serge Belosselsky-Belozersky.
 Wickershaw, Miss, of New York, to Count Kessler.
 Wickershaw, Miss, of New York, to Marquis de Tiffini.
 Waggin, Miss Catherine, to the Hon. Charles Lawrence.
 Williams, Miss Harriet, of Georgetown, to Count de Bodisco, 1845.
 Willing, Miss Annie, of Philadelphia, to Mungo Murray, 1841.
 Willis, Miss Catherine, of Virginia, to Prince Achille Murat.
 Wilson, Miss Belle, of New York, to the Hon. Sir Michael Henry Herbert, 1888.
 Wilson, Miss Lily, to Count Loewenhaupt.
 Woerishoffer, Miss Antoinette, of New York, to Count Charles Seilern.
 Work, Miss Frances, of New York, to the Hon. James B. Burke Roche, 1880.
 Wyman, Miss Ethel Louise, of New York, to Count Lerchenfeld zu Kofering, 1902.
 Yohe, Miss May, of New York, to Lord Francis Hope (divorced).

Yznaga, Miss Consuelo, of New York, to the eighth and late Duke of Manchester, 1876.

Yznaga, Mrs. Fernando (nee Miss Mabel Wright), of New York, to Count Bela Zichy.

Yznaga, Miss Natica, of Louisiana, to Sir John P. Lister-Kaye, 1881.

Zerega, Miss Lizzie, of New York, to Charles Pelham Clinton, 1886.

Zimmerman, Miss Helena, of Cincinnati, Ohio, to the present Duke of Manchester.

Index to titled Americans, by husband's name.

Married name.	Maiden name.	Married name.	Maiden name.
Abinger.....	Magruder.	Charlton.....	Grant.
Adair.....	Wadsworth.	Charvanne.....	Benson.
Adam.....	Ismer.	Cheylesmore.....	French.
Adda-Salvaterra ..	Hooper.	Chimay.....	Ward.
Agreda.....	Lorillard.	Choiseul.....	Coudert.
Amadei.....	Lewis.	Cibo.....	Walker.
Anglemont.....	Thomas.	Clinton.....	Zrega.
Anglesey.....	King.	Coetlegen.....	Blake.
Anson.....	Greene.	Colonna.....	Bryant.
Aramon.....	Fisher.	Cook.....	Claffin.
Arcos.....	Lowery.	Courval.....	Ray.
Armout.....	Bell.	Cowper.....	McLean.
Ashburton.....	Bingham.	Craven.....	Martin.
Auersperg.....	Hazard.	Criminil.....	Dameron.
Aulan.....	Christmas.	Crooks.....	Russell.
Aunay.....	Berdan.	Cuming.....	Garner.
Avenel.....	Meinell.	Cunard.....	Burke.
Aviamon.....	Fisher.	Curzon.....	Leiter.
Aylmer.....	Reid.	Czaykowski.....	Collins.
Bahkmeteff.....	Beale.	Dawson.....	Gilmour.
Ballerocche.....	McCall.	Decazes.....	Singer.
Barigne.....	Urguhardt.	Deerhurst.....	Bonynge.
Barca.....	McLaw.	Dino.....	Curtis.
Baring (A).....	Bingham.	Do.....	Sampson.
Baring (H).....	Do.	Dion.....	McCarthy.
Baring (T).....	Minturn.	Divonne.....	Audenreid.
Barralha.....	Orne.	Dompierre.....	Corbin.
Bassetiere.....	O'Donnell.	Douglas.....	Mooney.
Belozersky.....	Whittier.	Donoughmore.....	Grace.
Bentinck.....	Livingston.	Dufferin.....	Davis.
Beresford.....	Hammersley.	Duncan.....	Dove.
Bernstoff.....	Luokers.	Egerton.....	Cuyler.
Bethune.....	Montgomery.	Egmont.....	Howell.
Beust.....	Peters.	Engaletcheff.....	Partridge.
Biedenfeld.....	Cummings.	Erdoedy.....	Scott.
Bidd.....	Moore.	Erlanger.....	Slidell.
Birstein.....	Lewis.	Erskine.....	Cadwalader.
Blanc.....	Terry.	Essex.....	Grant.
Bodisco.....	Barton.	Esterhazy.....	Carroll.
Do.....	Williams.	Evans.....	Stevens.
Boissiere.....	Dunlap.	Fairfax.....	Benham.
Bonaparte.....	Patterson.	Do.....	Kirby.
Bourbon.....	Hamel.	Falkland.....	Reade.
Boyle.....	Hale.	Festetics.....	Haggin.
Branaccio.....	Field.	Fitzmaurice.....	Fitzgerald.
Bremont.....	Penniman.	Folchi-Vici.....	McAllister.
Breteuil.....	Garner.	Fontilliot.....	Field.
Breunig.....	Mackay.	Foras.....	Read.
Brin.....	Ledoux.	Frankenstein.....	Brewster.
Buckley.....	Burton.	Gabriel.....	Fithian.
Do.....	Mysie.	Ganay.....	Ridgeway.
Bulow.....	Ward.	Gherasdescha.....	Fisher.
Burnett.....	Murphy.	Ghest.....	Scullin.
Busch.....	Joran.	Gianotti.....	Kinney.
Butler.....	Stager.	Golantha.....	Griffin.
Buxhoevden.....	McKnight.	Goetzen.....	Lay.
Calry.....	Abbott.	Tomez.....	Hatcher.
Camporeale.....	Binney.	Goverville.....	Kingsbury.
Do.....	Kingsland.	Graham.....	Burn.
Camposlice.....	Singer.	Grammado.....	Brown.
Cantacuzane.....	Grant.	Grange.....	Carroll.
Carrington.....	Warden.	Grantly.....	McVicker.
Caselli.....	Phelps.	Haggard.....	Carroll.
Castellane.....	Gould.	Halkett.....	Stokes.
Castelmanardo.....	Van Buren.	Hall.....	Brady.
Castiglione.....	Porter.	Hallett.....	Schaumburg.
Cavendish-Bentinck.....	Livingston.	Harbord.....	Shenley.
Chabot.....	Gallatin.	Harcourt.....	Ives.
Do.....	Heyward.	Do.....	Motley.
Chamberlain.....	Endicott.	Hatzfeldt.....	Huntington.
Chambrun.....	Nichols.	Do.....	Moulton.
Champeaux.....	Palms.	Heneage.....	Joy.
Charette.....	Polk.	Herbert.....	Wilson.

Index to titled Americans, by husband's name—Continued.

Married name.	Maiden name.	Married name.	Maiden name.
Herida	Cook.	Paget	Stevens.
Heissenstein	Carroll.	Do.	Whitney.
Hasketh	Sharon.	Pappenheim	Wheeler.
Hickey	Flagler.	Perigord	Curtis.
Hirsch	Pillie.	Peruzzi	Story.
Home	Green.	Pierre	Thorne.
Hope	Frost.	Playfair	Russell.
Do.	Yohe.	Plunkett	Morgan.
Hornby	Robert.	Polignac	Singer.
Howard	Riggs.	Poniatowski	Sperry.
Huene	Lothrop.	Porta	Hutton.
Hughes	Schaunberg.	Portugal	Hensler.
Huffeldt	Bonaparte.	Pourtales	Bachamann.
Do.	Hutton.	Do.	Barbey.
Isenberg	Lewis.	Do.	Drouillard.
Jaffray	Hewitt.	Do.	Montgomery.
Kaye	Yznaga.	Raaben	Moulton.
Kergolay	Carroll.	Radzwill	Milmo.
Kessler	Wickershaw.	Ramsay	Garrison.
Kettler	Ledyard.	Reade	Ray.
Klenck	Meinell.	Richelieu	Heime.
Kofering	Wyman.	Riviera	Blunt.
Kortright	Richardson.	Roche	Work.
Lambert	Howard.	Rochefoucaule	Mitchell.
Lampson	Sibley.	Roger	Miltenerberger.
Lanza	Hammond.	Rogues	Chandler.
Lara	Phalen.	Rospigliosi	Parkhurst.
Larisch	Satterfield.	Ross	Ellison.
Laugier	Livingston.	Rotenburg	Phelps.
Lawrence	Wiggin.	Rovere	Davis.
Leigh	Beckwith.	Ruspoli	Broadwood.
Do.	Gordon.	Do.	Riggs.
Leonati	Christholm.	Sadlitz	Ehret.
Leipe	Whitcomb.	Saint-Roman	Slidell.
Lerchenfeld	Wyman.	Salm-Salm	Joy.
Leslie	Jerome.	San-Carlos	O'Sullivan.
Levey	DeWolf.	Sandys	Jones.
Leyland	Chamberlain.	Sanmarzano	Gillender.
Linbourg	Cass.	Sartiges	Thornidike.
Linden	Andrews.	Saxe-Coburg-Gotha	Hensler.
Litta	Perry.	Schellendorf	Bunce.
Loba	Allen.	Schilliere	Livermore.
Loewenhaupt	Wilson.	Schleswig-Holstein	Lee.
Loubet	Pillie.	Schroeder	Donohue.
Lucinge	Terry.	Scilern	Woerishoffer.
Lynar	Parsonf.	Seres	Niven.
Malcolm	Irby.	Sevditz	Roosevelt.
Maleysie	Burnett-Stears.	Sierstorpff	Knowlton.
Manchester	Yznaga.	Spencer-Cowper	McLean.
Do.	Zimmerman.	Stein	Foster.
Majoribanks	Brown.	Stillfried	Chizelle.
Marlborough	Hammersley.	Strafford	Colgate.
Do.	Vanderbilt.	Stuers	Carey.
Masey	Gilmour.	Sully-Bethume	Montgomery.
Maxwell	Bonyng.	Tankerville	Vanmarter.
Merengile	Caldwell.	Telfener	Hungerford.
Mildmay	Motley.	Teololi	Conrad.
Molesworth	Frost.	Tiffini	Wickershaw.
Moltke	Bonaparte.	Torrighiani	Fry.
Do.	Hutton.	Tournelle	Meinell.
Do.	Jansen.	Torre	Haight.
Monaco	Heime.	Trobrland	Jones.
Moncheur	Holman.	Troubetzkoy	Rives.
Montauban	Butterfield.	Valori	Ledoux.
Montefeltro	Allen.	Vernon	Frost.
Montmort	Corbin.	Do.	Lawrence.
Mores	Hoffman.	Vicovaro	Spencer.
Mostyn	Milbourne.	Vietinghoff	Friedner.
Mounzelli	Parkes.	Vllain	Gordon.
Muenchhausen	Beckel.	Villars	Chappin.
Murat	Willis.	Vivian	Endicott.
Murray	Sanger.	Vriere	Cutting.
Do.	Willing.	Wachtmeister	Hubbell.
Musgrave	Field.	Waddington	King.
Naffray	Meigs.	Walderssee	Lee.
Naylor	Chamberlain.	Waterlow	Hamilton.
Newborough	Carr.	Wellesley	Canton.
Noue	Taylor.	West	Jerome.
Northcote	Fish.	Wolseley	Murphy.
Oriola	Bosna.	Yrujo	McKean.
Overbeck	Dahlgren.	Yturbide	Green.
Oviedo	Bartlett.	Zedwitz	Caldwell.
Orford	Corbin.	Zichy	Yznaga.

[From the World Almanac and Encyclopedia, 1917, pp. 520-522.]

American women who have married foreign titles.

Below is a list of the most prominent American women who have married titled foreigners. The list is not exhaustive. It will be noticed that some of the most prominent international marriages have been omitted, because the husbands are not titled.

Name.	Husband's name or title.	His birth-place.	Married.	Wife's father.	His address.
Allen, Annie Russell.	Duke of Montefeltro.....	.....	1899	Bradford Allen.....	St. Louis.
Andrews, Isabel.....	Count von Linden.....	Germany	1877	Loring Andrews.....	New York.
Arnold, Linda Angell.	Marquis Lassimiliano Strozzi.	Italy.....	1913	Olney Arnold.....	Providence, E. I.
Audenreid, Florence..	Count Divonne.....	France..	1891	.....	Washington.
Barbey, Eva.....	Baron André de Neufize.	do.....	1903	Henry I. Barbey.....	New York.
Barbey, Helene.....	Count Herman de Pourtales.	do.....	.....	Henry Barbey.....	Do.
Bell, Rita.....	Count d'Aramon.....	do.....	1902	Isaac Bell.....	.....
Berwind, Gertrude....	Baron Brocklin von Brocklinsau.	Germany	1900	.....	Philadelphia.
Bigelow, Flora.....	Hon. Lionel George William Guest.	England.	1905	John Bigelow.....	New York.
Binney-Kingsland, Florence.	Prince di Camporeale.....	Italy.....	1888	.....	Boston.
Bonaparte, Louise....	Count Moltke-Huitfeldt..	Denmark	1896	Jerome Napoleon Bonaparte.	Washington, D. C.
Bonynge, Louise Selina.	Lieut. Gen. Sir John Maxwell.	England.	1892	Charles W. Bonynge	New York.
Breese, Anne.....	Lord Alastair Robert Innes-Ker.	do.....	1907	W. L. Breese.....	Do.
Breese, Eloise Laurence.	Earl of Ancaster.....	do.....	1905	do.....	Do.
Burke, Maud Alice....	Sir Bache Edward Cunard.	do.....	1895	E. F. Burke.....	Do.
Burke, Patricia.....	Earl of Cottenham.....	do.....	1916	J. H. Burke.....	California.
Burns, Mary.....	Right Hon. Lewis Harcourt.	do.....	1899	Walter H. Burns....	New York.
Calhoun, Julia.....	Baron Egbert de Nagell.	Holland.	1914	John C. Calhoun.....	Do.
Campbell, Jane.....	Prince San Faustino.....	Italy.....	1897	George Campbell.....	Do.
Carr, Grace Bruce....	Baron Newborough.....	England.	1900	Col. Hy. M. Carr.....	Louisville, Ky.
Carroll, Agnes.....	Count von Heussenstann.	Austria..	1887	.....	Baltimore.
Carroll, Sarah.....	Count Esterhazy.....	do.....	.....	.....	Do.
Chamberlain, Jeanie W.	Sir Herbert S. Naylor-Leland.	England.	1889	Wm. S. Chamberlain.	Cincinnati.
Chapin, Marguerite G.	Prince di Bassiano.....	Italy.....	1911	Lindley Hoffman Chapin.	New York.
Clafin, Tennessee....	Sir Francis Cook.....	England.	1885	Reuben B. Clafin....	Do.
Clapp, Edith Devereux.	Count Rene de Rougemont.	France..	1904	N. Devereux Clapp..	Do.
Clayton, Charlotte....	Baron Moncheur.....	Belgium..	1902	Powell Clayton.....	Arkansas.
Cochran, Elizabeth L.	Count de Fermon.....	France..	1909	George Cochran.....	Philadelphia.
Colgate, Mrs. Samuel.	Fourth Earl of Strafford..	England..	1898	.....	.....
Collins, Edith.....	Count Czaykowski.....	Turkey..	1897	Clarence L. Collins..	New York.
Curtis, Josephine....	Prince Ruspoli (Prince di Poggio-Suasa).	Italy.....	.....	Joseph D. B. Curtis..	Do.
Cuyler, May.....	Sir Philip Grey-Egerton..	England.	1893	Maj. J. Wayne Cuyler.	New Jersey.
Daly, Harriot.....	Count Anton Sigray.....	Hungary.	.....	Marcus Daly.....	California.
Daniel, Virginia Lee..	Viscount Deerhurst.....	England.	1894	William Daniel.....	San Francisco.
Davis, Florence.....	Marquess of Dufferin and Ava.	do.....	1893	John H. Davis.....	New York.
Donnelly, Frances....	Baron Ashburton.....	do.....	1906	J. C. Donnelly.....	Do.
Draper, Margaret Preston.	Prince Andrea Boncompagni.	Italy.....	1916	Late Gen. Wm. F. Draper, of Massachusetts.	.....
Elliott, Gertrude....	Sir Johnston Forbes-Robertson.	England.	1900	Thomas Dermot.....	California.
Endicott, Mary.....	Right Hon. Joseph Chamberlain.	do.....	1888	W. C. Endicott.....	Massachusetts.
Eyre, Alice.....	Viscount Campden.....	do.....	1915	Edward Eyre.....	New York.
Field, Ethel.....	Vice Admiral Sir David Beatty.	do.....	1901	Marshall Field.....	Chicago.
Field, Jeanie Lucinda.	Sir Anthony Musgrave....	do.....	1870	David D. Field.....	New York.
Fiske, Mrs. Robert T. P.	Count Lionel de Montesquiou-Fezensac.	France..	1909	Henry W. Miller.....	New Brighton, S. I.
Fitzgerald, Mrs. Gerald.	Prince Victor of Thurn and Taxis.	Hungary.	1911	L. J. Nicolls.....	Pennsylvania.
French, Elizabeth....	Baron Cheylesmore.....	England.	1892	F. O. French.....	New York.
Gammell, Helen Louise.	Sir Arthur James Herbert.	do.....	1892	William Gammell.....	Rhode Island.
Garner, Edith.....	Count Moltke-Huitfeldt..	Germany	.....	W. T. Garner.....	New York.

American women who have married foreign titles—Continued.

Name.	Husband's name or title.	His birth-place.	Married.	Wife's father.	His address.
Garner, Florence Josephine.	Lieut. Col. Sir William Gordon-Cumming.	England.	1891	W. T. Garner.....	New York.
Garner, Lita.	Marquis de Breuteuil.....	France...	1891	do.....	Do.
Garrison, Katharine.	Count de Casteja.....	do.....	1906	William Garrison....	Do.
Garrison, Miss.....	Count Chandon de Brialles.	do.....	do.....	do.....	Do.
Goelet, May.....	Duke of Roxburghe.....	Scotland.	1903	Ogden Goelet.....	Newport, R. I.
Gould, Anna.....	(1) Count Boni de Castellan.	France...	1895	Jay Gould.....	New York.
	(2) Prince Helie de Sagan, Duke of Talleyrand-Perigord.	do.....	1908		
Gould, Helen Vivien.	Baron Decies.....	Ireland...	1911	George Jay Gould....	Do.
Grace, Elena Maria.	Earl of Donoughmore.....	England...	1901	Michael P. Grace....	Do.
Grant, Adele.....	Earl of Essex.....	do.....	1893	Beach Grant.....	Do.
Green, Amy Eliza.....	Sir James Home.....	do.....	1892	Am. A. Green.....	San Francisco.
Green, Ethel.....	Baron Schilling.....	Russia...	1906	John English Green.	New York.
Haggin, Ella.....	Rudolf Festetics von Tolna.	Hungary.	1907	J. B. Haggin.....	California.
Hamilton, Margaret.	Sir Sydney H. Waterlow.	England...	1882	William Hamilton....	Do.
Hanan, Elizabeth Frances.	Duke of Majo Durazzo.....	Italy.....	1914	James Hanan.....	Brooklyn.
Hazard, Florence Elsworth.	Prince Francis of Auersperg.	Austria..	1899		New Jersey.
Henning, Susanne.....	Marquis de Charette.....	France...	1909	James Williamson Henning.	New York.
Hindley, Eva Hart...	Count Robert St. Galston.	Austria..	1910	John H. Hindley....	Larchmont, N. Y.
Howell, Kate.....	Eighth Earl of Egmont....	England...	1881	Warwick Howell....	South Carolina.
Iselin, Nora.....	Count Ferdinand Colloredo-Mannsfeld.	Austria..	1909	C. Oliver Iselin.....	New York.
Jerome, Jennie.....	Right Hon. Lord Randolph Spencer Churchill.	England...	1874	Leonard Jerome.....	Do.
Kennedy, Sophie.....	Sir George Dunbar.....	do.....	1916	James B. Kennedy....	Do.
Kip, Edith.....	Hon. Henry Thomas Coventry.	do.....	1907	Col. Lawrence Kip....	Do.
Knapp, Mrs. Marion Alice.	Baron Bateman.....	do.....	1904	J. J. Graham.....	Do.
Knower, Margaret C.	Count de Suzannet.....	France...	1906	Benjamin Knower....	Do.
Knowlton, Mae.....	Count von Francken-Sierstorff.	Germany..	1904	Edwin F. Knowlton.	Brooklyn.
Langham, Ivy.....	Viscount de Faramond....	France...	1904		
Langham, Lily.....	Baron von Sternburg.....	Germany..	1900		
Lawrance, Frances Margaret.	Seventh Baron Vernon....	England...	1885	F. C. Lawrence.....	New York.
Lawrence, Agnes.....	Viscount des Courtills de Lerlemont.	France...	1911	John Lawrence.....	Do.
Ledyard, Maud.....	Baron von Ketteler.....	Germany..	1897	Henry B. Ledyard....	Detroit.
Leishman, Martha.....	Count de Kettaut-Biron....	France...	1904	John G. A. Leishman.	New York.
Leishman, Nancy.....	Duke of Croy.....	do.....	1913	do.....	Pittsburgh.
Leiter, Marguerite Hyde.	Earl of Suffolk and Berkshire.	England...	1904	Levi Z. Leiter.....	Washington.
Lewis, Bertha.....	Prince Charles von Isenburg-Birstein.	do.....	do.....		New Orleans
Livermore, Constance	Count de Lubersac.....	France...	1904	Charles F. Livermore.	New York.
Livingston, Carola...	Count Langier-Villars....	do.....	1894	Johnston Livingston	Do.
Leony, May.....	Count von Goetzen.....	Germany..	1898		Baltimore.
Longworth, Clara.....	Count de Chambrun.....	France...	1901	Nicholas Longworth.	Cincinnati.
Lorillard, Maude.....	Hon. Cecil Baring.....	England...	1902	Pierre Lorillard....	New York.
Martin, Cornelia.....	Earl of Craven.....	do.....	1893	Bradley Martin.....	Do.
May, Lillian Marie.....	Baron Bagot.....	do.....	1903	Henry May.....	Baltimore.
McMillan, Amy.....	Maj. Sir John Lane Harrington.	do.....	1907	James McMillan.....	Detroit.
McMillan, Gladys.....	Count Paul Cornet de Ways-Ruart.	Belgium..	1914	do.....	Do.
Mills, Beatrice.....	Earl of Granard.....	England...	1909	D. Ogden Mills.....	Staatsburg, N. Y.
Mitchell, Mattie Elizabeth.	Duke de la Rochefaucauld.	France...	1892	J. H. Mitchell.....	Oregon.
Moore, Mary Elsie...	Don Merino Torlonia, Prince of Citella-Sessia.	Italy.....	1907	Charles A. Moore....	Connecticut.
Morton, Helen.....	Duke of Valency, Count Talleyrand-Perigord.	France...	1901	Levi P. Morton.....	New York.
Murphy, Anita Theresa.	Sir Charles Michael Wolseley.	England...	1883	Daniel T. Murphy....	Do.
Nicholson, Helen.....	Baron Paul von Zglinitzki.	Germany..	1907	Frank C. Nicholson.	Joplin, Mo.

American women who have married foreign titles—Continued.

Name.	Husband's name or title.	His birth-place.	Married.	Wife's father.	His address.
O'Brien, Helen.....	Count Maximilliano Colacicchi.	Italy.....	1914	C. G. O'Brien.....	Pittsburgh.
Oliver, Edith.....	Marquis Alfred Dusmet de Smours.	..do.....	1904	James B. Oliver.....	Do.
Parker, Gertrude C.....	Sir Gilbert Thomas Carter.	England.....	1903	F. V. Parker.....	Boston.
Patterson, Eleanor.....	Count Gizycki.....	Poland.....	1904	Robert W. Patterson.	Chicago.
Pfizer, Alice.....	Baron Reinhart Clemens Bachoven von Echt.	Austria.....	1904	Charles Pfizer.....	Brooklyn.
Phipps, Amy.....	Hon. Frederick Edward Guest.	England.....	1905	Henry Phipps.....	New York.
Pierce, Grace Douglas.	Twelfth Baron Torpichen.	..do.....	1916	Winslow S. Pierce...	Bayville, L. I.
Pinchot, Antoinette.....	Hon. Sir Alan Johnstone.	..do.....	1892	J. W. Pinchot.....	New York.
Quay, Katherine.....	Lieut. Napoleon Ruspoli.	Italy.....	1912	Jerome A. Quay.....	Pennsylvania.
Rauh, Blanche Noble.	Count Louis de Kerstrat.	France.....	1909	Samuel Rauh.....	New York.
Reade, Mary.....	Viscount Falkland.....	England.....	1879	Robert Reade.....	Do.
Rives, Amélie.....	Prince Troubetzkoy.....	Russia.....	1895	.....	.....
Robinson, Anna.....	Earl of Rosslyn.....	England.....	1905	.....	Minneapolis.
Rogers, Elizabeth Reid.	Prince Christian of Hesse.	Germany.....	1915	Richard Reid Rogers	Washington, D. C.
Roosevelt, Cornelia.....	Baron Zedlitz.....	..do.....	1889	Charles E. Roosevelt.	New York.
Rule, Blanche.....	Right Hon. Sir Samuel Thomas Evans.	England.....	1905	Charles Rule.....	Ohio.
Russell, Edith.....	Baron Playfair.....	..do.....	1878	Samuel H. Russell.....	Boston.
Ryle, Margaret Doro.....	Count Pierre de Bernard de la Fosse.	France.....	1907	William T. Kyle.....	New York.
Satterfield, Marie.....	Count Larisch von Moenich.	Austria.....	1901	John Satterfield.....	Buffalo.
Schenley, Hermione.....	Baron Ellenborough.....	England.....	1906	E. W. H. Schenley...	Pittsburgh.
Schley, Virginia.....	Hon. Ralph Granville M. S. Wortley.	..do.....	1891	Winfield Scott Schley	Washington, D. C.
Schmidt, Helene Margaret.	Baron Carl Czoernig von Czernhausen.	Austria.....	1913	Edward A. Schmidt.	Philadelphia
Schmidt, Josephine.....	Prince del Drago.....	Italy.....	.....	.....	Brooklyn.
Scovel, Cornelia Roosevelt.	Count Fabbriotti.....	..do.....	1903	Chevalier Scovel.....	Washington.
Sharon, Florence.....	Sir Thomas George Fermor-Hesketh.	England.....	1880	William Sharon.....	Nevada.
Sherman, Mildred.....	Baron Camoys.....	..do.....	1911	W. Watts Sherman.....	New York.
Shonts, Theodora.....	Duke of Chaulnes.....	France.....	1903	Theodore P. Shonts.	Do.
Siegel, Georgiana Wilde.	Count di Frassi.....	Italy.....	1906	Henry Siegel.....	Do.
Singer, Isabelle Blanche.	Duke Decazes.....	France.....	1888	Isaac Singer.....	.....
Slocumb, Cora.....	Count di Brazza.....	Italy.....	.....	Cuthbert Slocumb.....	New Orleans.
Snyder, Ruth.....	Count de Borchgrave d'Altena.	..do.....	1904	.....	.....
Sperry, Elizabeth.....	Prince Poniatowski.....	France.....	1894	Austin Sperry.....	San Francisco
Stager, Ellen.....	Lord Arthur W. F. Butler.	England.....	1887	Anson Stager.....	Chicago.
Stallo, Helen McDonald	Prince Michel Murat.....	France.....	1913	Edmund K. Stallo.....	Cincinnati.
Stallo, Laura McDonald	Prince Francesco Rospigliosi.	Italy.....	1914	..do.....	Do.
Stern, Irma.....	Baron Leon de Graffenried.	Switzerland.	.....	Louis Stern.....	New York.
Stetson, Mrs. John B.	Count Eulalia.....	Portugal.....	1908	.....	.....
Stevens, Frances.....	Count de Gallifet.....	France.....	1890	F. W. Stevens.....	Do.
Stevens, Marie de Grasse.	Sir Francis H. Evans.....	England.....	1872	Samuel Stevens.....	Do.
Stevens, Mary.....	Gen. Right Hon. Sir Arthur Henry Paget.	..do.....	1878	Paran Stevens.....	Do.
Stewart, Anita.....	Prince Miguel of Braganza, Duke of Vizeu.	Austria.....	1909	Wm. Rhinelander Stewart.	Do.
Stokes, Sarah Phelps.	Baron Halkett.....	Scotland.....	1890	A. Phelps Stokes.....	Do.
Stone, Margaret.....	Count von Beroldingen.....	Austria.....	1904	Joseph Stone.....	Do.
Swift, Ida May.....	Count James Minotto.....	Italy.....	1916	Louis F. Swift.....	Chicago.
Taylor, Harriet.....	Count Gherardesca.....	..do.....	1903	Henry C. Taylor.....	New York.
Thaw, Alice Cornelia.	Earl of Yarmouth.....	England.....	1903	William Thaw.....	Pittsburgh.
Thaw, Beatrice.....	Marquis Theodoli.....	Italy.....	1909	Alex. Blair Thaw.....	Do.
Turnure, Mrs. Romaine.	Baron Monson.....	England.....	1903	Roy Stone.....	Washington, D. C.
Vanderbilt, Consuelo.	Duke of Marlborough.....	..do.....	1895	Wm. K. Vanderbilt.	New York.
Vanderbilt, Gladys.....	Count Szecheny.....	Hungary.....	1908	Cornelius Vanderbilt.	Do.
Van Marter, Leonora.	Earl of Tankerville.....	England.....	1895	J. G. Van Marter.....	Do.
Vantine, Amy.....	Sir Gilbert Parker.....	..do.....	1895	Ashley Vantine.....	Do.
Wadsworth, Elizabeth.	Baron Barrymore.....	..do.....	1889	Gen. Jas. Wadsworth	Do.
Ward, Clara.....	Prince de Chimay.....	France.....	1890	Eber B. Ward.....	Detroit.
Warren, Constance Whitney.	Count de Lasteyrie du Saillant.	..do.....	1912	George Henry Warren	New York.
Waters, Ruth Morgan.	Prince Ludovico Pignatelli d'Aragon.	Italy.....	1915	George Jason Waters.	Philadelphia.

American women who have married foreign titles—Continued.

Name.	Husband's name or title.	His birth-place.	Married.	Wife's father.	His address.
Wetherbee, Alice Ney.	Count Rudolph Festetics de Tolma.	France...	1908	Gardner Wetherbee.	New York.
White, Muriel.....	Count Seherr-Thoss.....	Germany.	1909	Henry White.....	Washington, D. C.
Whitehouse, Frances.	Baron Constantin Ramsey.	Russia...	1903	W. Fitzhugh Whitehouse.	New York.
Whitehouse, Lily.....	Hon. Charles Coventry....	England.	1900	Fitzhugh Whitehouse	Do.
Whittier, Susan.....	Prince Serge Belosselsky..	Russia...	1895	Charles A. Whittier.	Boston.
Wilson, Belle.....	Right Hon. Sir Michael H. Herbert.	England.	1888	Richard Wilson.	New York.
Winans, Beatrice.....	Prince de Bearn et de Chalais.	France...	1905	Ross Winans.....	Baltimore.
Winans, Wilhelmina Louise.	Sir Merrick Raymond Burrell.	England.	1902	Walter Winans.....	Do.
Wise, Elinor Douglas.	Duc de Richelieu.....	France...	1913	.....	Do.
Wright, Mabel.....	Count Zichy.....	Austria...	1895	.....	Boston.
Wyman, Ethel Louise.	Count Hugo Lerchenfeld zu Kofering.	do.....	1902	John Eugene Wyman	New York.
Yznaga, Natica.....	Sir. John Pepys Lister-Kaye.	England.	1881	Antomo Yznaga del Valle.	Louisiana.
Zimmerman, Helena.	Duke of Manchester.....	do.....	1900	Eugene Zimmerman.	Cincinnati.

Mr. SABATH. In connection with that I desire to call attention to a resolution which I introduced in 1908, I think, in the Sixtieth Congress, attacking the marriages to which Judge Raker refers, and showing that I have no sympathy with them, and that in favoring the adoption of this resolution here I am doing it merely for the purpose that justice be done.

Mr. RAKER. Then I want to call the committee's attention to lines 1 and 2 of this resolution on page 2 which, after reciting a lot of whereases, would indicate that because she is the daughter of Capt. Joseph Edwin de Haven, that we are legislating here, or attempting to legislate, because of her relation to some one who has made a record in the United States, that that should attach and become a part of it because of the money involved, instead of the clean-cut question as to the effect of citizenship and the right to be a citizen of this country. She has voluntarily gone to Germany in this case and remained there, I think the record shows, 25 or 30 years, and has borne children there, who remain there, two daughters, and are married to Germans; and this lady claims to have left them now and is here wanting, as I view it, this property, and this property alone, and fundamentally a resolution of this kind ought to be frowned upon by Congress, and any legislation of this character, even though there is some hardship as to property. Citizenship is so far above and beyond the question of mercenary or property rights that we ought not to consider the two at the same time. I just want to make that statement in connection with it.

The CHAIRMAN. Now, if there is nothing further, if you desire, the committee will go into executive session.

Mr. GARVAN. May I just be reminded again of what the committee asked me to send them, the facts as to the sister?

Mr. SABATH. The amount of money, I think Judge Raker wanted.
(The statement referred to is as follows:)

WASHINGTON, D. C., February 3, 1920.

HON. ALBERT JOHNSON,
*Chairman Committee on Immigration and Naturalization,
House of Representatives, Washington, D. C.*

DEAR SIR: At the direction of the Hon. Francis P. Garvan, Alien Property Custodian, the office of the Alien Property Custodian has furnished me with the following facts concerning the claims of Nina von Campe who is a sister of Mrs. de Haven. The committee requested this information in connection with the hearing of Senate Joint resolution No. 134 for the restoration of American citizenship to Mrs. de Haven, and Mr. Garvan has asked me to present these facts to you as soon as possible.

Mrs. Nina von Campe, the widow of a German, filed claim No. 2314 on December 17, 1919. The claim was allowed December 30, 1919, as follows:

Accumulated income and cash, \$25,949.42 less taxes, \$324.83. The total amount allowed, therefore, on Mrs. von Campe's claim was \$25,624.59.

After the allowance of this claim and on January 26, 1920, Mrs. von Campe filed a further claim, No. 2559, for the recovery of all her right, title, and interest in the Louise G. Bigelow estate of which the Northern Trust Co., of Chicago, Ill., is trustee. This claim has not yet been decided.

The accumulated income restored as a result of the claim filed December 17, 1919, was income from this same Louise G. Bigelow estate. The pending claim is for the future income of Mrs. von Campe's life estate.

Very respectfully,

WALTER BRUCE HOWE.

(Whereupon the committee went into executive session, after which it adjourned.)

PROPOSED CHANGES IN NATURALIZATION LAWS

HEARINGS

BEFORE

THE COMMITTEE ON IMMIGRATION AND NATURALIZATION

HOUSE OF REPRESENTATIVES

SIXTY-SIXTH CONGRESS

SECOND SESSION

FEBRUARY 28, 1920

STATEMENTS OF

MRS. MAUD WOOD PARK
HON. JOHN JACOB ROGERS



WASHINGTON
GOVERNMENT PRINTING OFFICE
1920

COMMITTEE ON IMMIGRATION AND NATURALIZATION.

HOUSE OF REPRESENTATIVES.

SIXTY-SIXTH CONGRESS.

ALBERT JOHNSON, Washington, *Chairman*.

ISAAC SIEGEL, New York.
HAROLD KNUTSON, Minnesota.
ROSCOE C. McCULLOCH, Ohio.
J. WILL TAYLOR, Tennessee.
JOHN C. KLECZKA, Wisconsin.
WILLIAM N. VAILE, Colorado.
HAYES B. WHITE, Kansas.
KING SWOPE, Kentucky.

ADOLPH J. SABATH, Illinois.
JOHN E. RAKER, California.
RILEY J. WILSON, Louisiana.
BENJAMIN F. WELTY, Ohio.
JOHN C. BOX, Texas.
L. B. RAINEY, Alabama.

P. F. SNYDER, *Clerk*.

PROPOSED CHANGES IN NATURALIZATION LAWS.

COMMITTEE ON IMMIGRATION AND NATURALIZATION,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Saturday, February 28, 1920.

The committee this day met, Hon. Albert Johnson (chairman) presiding.

The CHAIRMAN. The committee will be in order. The committee will begin the preliminary consideration of various bills relating to the rights of women in the United States and matters pertaining to the naturalization of women. These bills are the Raker bill (H. R. 10374), the Anthony bill (H. R. 10435), and the Rogers bill (H. R. 12749). For the moment we will give attention to the Rogers bill.

There is present this morning Mrs. Maud Wood Park, who has some views on the subjects covered in some of these bills, and I think the committee would be glad to hear a general statement from her.

STATEMENT OF MRS. MAUD WOOD PARK, CHAIRMAN NATIONAL LEAGUE OF WOMEN VOTERS, 40 COMMONWEALTH AVENUE, BOSTON, MASS.

Mrs. PARK. Mr. Chairman and members of the committee, I take advantage of the opportunity which you kindly offered me yesterday to appear before this committee, because at the first annual convention of our organization in Chicago last week, on February 17, our association, at the request of the chairman of its committee on American citizenship, indorsed House resolution 10404, on the ground that the legislation tended to make conditions of naturalization for aliens more just and more dignified; on that general ground, and in a general way, the indorsement of the association was given to that measure.

In connection with the report of the same committee, and in connection with the report of another committee, our committee on the equalization of laws concerning women, there came in a general statement of principles, which has been the statement of principles of the association for a good many years—that the citizenship of women should be an independent citizenship. Therefore, the chairman of our committee telegraphed Mr. Crist, requesting that certain changes should be embodied in House resolution 10404. At the time that Mrs. Bagley telegraphed it was not certain that I would be able to come to Washington, but when it was found that I was coming she asked me to see Mr. Crist and learn what the situation was.

In everything that I shall say to you I shall speak as a layman in law and international questions. I have no knowledge of legal phraseology, and I do not want anything I may say to be taken to

apply to particular technical phrases. I shall simply state to you the attitude of our association and our hope that you will consider that attitude in drafting the final form which this bill may take. I therefore wish to say that our general principle is that the citizenship of women should be independent of marital relations.

We realize, Mr. Chairman, that at this time in particular any attempt to carry that principle into a law which did not consider international regulations might involve us in complications that would be very undesirable, and therefore in discussion on the floor in regard to our general principle it was understood that we should not press for the adoption of that general principle in any form that would involve international complications, but we felt the State Department should be consulted as to the possible outcome of any legislation that might seem to embody our principle.

When I came to Washington I found that Mr. Rogers had introduced a bill the day before, about which we knew nothing at the time, and again speaking as a layman in legal and international matters, it seems to me that the bill which Mr. Rogers has brought in (H. R. 12749) does very largely embody in it the advantages, and what we want to avoid—the possible disadvantages—because it refers only to the citizenship of women while they remain in this country. It avoids the disadvantage which we protest against always, the easier naturalization for alien men than for alien women. We believe that naturalization should not be made easier for alien men than it is for alien women. We also believe that American women should not be forced to lose their citizenship under circumstances under which American men would not lose their citizenship, on account of the fact of marriage, but realizing that if the woman were to go abroad there might be complications, I personally am very glad to see that this bill of Mr. Rogers applies both to circumstances when women remain in this country—

The CHAIRMAN. Let me read the provisions of the Rogers bill for the record (H. R. 12749):

That no woman who shall be an American citizen and a resident of the United States and who marries an alien on or after the date when the joint resolution proposing an amendment to the Constitution extending the right of suffrage to women, having been ratified by the legislatures of three-fourths of the several States, shall have become valid to all intents and purposes as a part of the Constitution, shall be deemed, so long as she continues to be a resident of the United States, to have surrendered, forfeited, or impaired her American citizenship by the fact of such marriage; and no alien woman who marries an American citizen on or after said date shall be deemed to have acquired American citizenship by the fact of such marriage.

Mrs. PARK. That, as I say, seems to me to embody the advantages of the situation without the disadvantages.

There is a further suggested change which Mr. Crist has been good enough to phrase for use, which makes it possible for an alien woman married to an unnaturalized alien in this country, to herself become naturalized, provided her husband is too lazy or too neglectful to do so, or provided he can not be found. We know, of course, from the immigration records, that there are many cases where the husbands disappear after they get here, and the wives may follow them to this country and find their husbands missing, and the further suggestion which Mr. Crist has made—I do not know whether you have the words, or not, Mr. Chairman—seems to be valuable in that con-

nection as supplementing the suggestions contained in Mr. Rogers's bill.

The CHAIRMAN. The proposal is as follows:

Any woman not a citizen of the United States, who may herself be lawfully naturalized, whose husband refuses to apply for American citizenship, or is incapacitated from becoming naturalized, or the whereabouts of whose husband is unknown, may herself declare her intention to become a citizen of the United States, and on filing her petition for naturalization in accordance with the requirement of the naturalization law be admitted to citizenship upon the compliance with the other provisions of the naturalization law.

Mr. VAILE. Pardon me a moment, Mr. Chairman. Did we not cover this subject in H. R. 10404, on page 8?

The CHAIRMAN. Yes.

Mr. VAILE. If Mrs. Park is not familiar with the provision, perhaps she may want to discuss it. It is contained in the bill now pending.

Mr. RAKER. The organization which Mrs. Park represents has already in substance adopted this bill.

Mrs. PARK. We have indorsed the principles of that bill, Mr. Chairman.

Mr. RAKER. Although Mrs. Park has discussed another matter, she has not discussed this provision, and I am going to ask her if this provision is not more just than any that has been suggested—the one in the bill now.

Mrs. PARK. No; I can not quite agree with you, Judge Raker, about that, because I think it does not in any sense provide for the independent citizenship of women, in which we believe.

The CHAIRMAN. Let me read this, on page 8 of H. R. 10404, which bill, however, has been reintroduced with a new number:

Any woman who is now married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen: *Provided*, That any alien woman who shall hereafter be married to a citizen of the United States shall not be deemed a citizen until she has taken the oath of allegiance provided in the third subdivision of this section. The wife of any alien hereafter naturalized shall be deemed a citizen of the United States upon taking the said oath of allegiance: *Provided*, That nothing contained in this subdivision shall be construed to affect the rights and privileges of citizenship acquired prior to the approval of this act.

Mrs. PARK. Mr. Chairman, that seems to me to apply only in part to the question, because it does not require the same process of naturalization from the woman that is required from the man. She takes the oath of allegiance, but there is a good deal more than the oath of allegiance required in the naturalization of an alien man, and therefore it seems to me to go only part way on the road, whereas Mr. Rogers's provision would go the whole way.

The CHAIRMAN. We are interested in the proposition presented by you, but you come before this committee, which has been working for some time on this problem of providing some just scheme of naturalization, and you state that you come from an organization of women voters, and that you want full rights for women, but that you do not want to run into any international complications.

Mrs. PARK. Precisely, Mr. Chairman.

The CHAIRMAN. So you find yourself just exactly where this committee finds itself, after a long struggle running back several years. Do you know of any way to correct it? Will the Rogers bill do so?

Mrs. PARK. It seems to me it would. As I told you, I am not speaking as a lawyer or authority on international relations, but the Rogers bill, which was not before our convention because it was not brought in until February 25, and our convention ended on the 19th.

The CHAIRMAN. Would you recommend that this committee undertake to report out a bill in the phraseology of the Rogers bill, providing that this shall be done when suffrage is finally ratified by three-fourths of the States, when in all probability suffrage will be ratified before we can get this bill on the calendar?

Mrs. PARK. I should be willing to leave the question of the technical wording entirely to the committee. I felt only that if your committee understood our point of view it would perhaps look at Mr. Rogers's bill with a little more consideration from the woman's point of view, as well as from Mr. Rogers's own point of view, which he is amply able to present.

Mr. RAKER. Have you thought about this? You have been discussing intermarriage. Suppose here is an American woman who marries an alien, and remains in the United States after her marriage, say a year, and then she goes to France. She is an American citizen while she remains here, and her husband is an alien, but she takes the boat and goes to France, and when she gets over there she is a French woman. She stays there six months or a year and she comes back here and then she is an American citizen. Do you think we ought to allow her to float like that?

Mrs. PARK. No; my understanding is that Mr. Rogers's bill refers to the matter of residence in the United States. Any of us may go to Europe for a few months and yet retain our residence in the United States.

Mr. VAILE. I do not think Mr. Rogers's bill is quite subject to the criticism you made, Mr. Raker, because it provides that no woman, so long as she continues to be a resident of the United States, shall be deemed to have surrendered, forfeited, or impaired her American citizenship. Therefore an interruption of residence such as you suggested would come within the provision. If she does not continue to be a resident, she does forfeit her citizenship, even though she may afterwards resume her residence; is that your idea, Mr. Rogers?

Mr. ROGERS. Precisely.

The CHAIRMAN. Before we hear Mr. Rogers, you spoke of some suggestions that your organization desired to make on H. R. 10404.

Mrs. PARK. No; they are embodied in the section I have already spoken of and the phraseology of the second section, and those insertions which Mr. Crist was good enough to phrase. I think all our suggestions are embodied thus far, but if I may, in conclusion, I would just like to complete the four points I want to make: One, that our organization indorsed H. R. 10404, on the ground that it contains conditions of naturalization more just and more dignified, and the practical experience of our workings in Americanization is that the present naturalization system is neither just nor dignified in its application in a great many of the States. Therefore, on that ground, Mr. Chairman, our indorsement was given. On the same day that the indorsement was given our principle of the independent citizenship of women was reaffirmed, and in the discussion with

regard to the reaffirmance of that principle we stated that we did not wish to press the principle at this moment to any point which would involve us in international complications.

My fourth point is that we have come here to indorse this bill, which, with the addition, at least, to the section which Mr. Crist suggested, seems to cover our situation. I am glad to be able to present that to you and the committee, and I thank you very much for the opportunity of doing so.

Mr. RAKER. The suggestion made by Mr. Crist is already in the law now, is it not, in substance? In other words, a married woman, no matter where her husband is, whether lost or abandoned, or otherwise, can immediately apply for citizenship and be naturalized, despite her marriage?

Mrs. PARK. I can not answer that question as to whether it is actually in the law in that form now. It was not my understanding that it was.

Mr. RAKER. Is not that the law? It struck me that it was, in the one that I read this morning, that any alien married woman can apply for citizenship and become naturalized.

Mr. CRIST. No, sir; Mr. Chairman, there are court decisions against that.

Mr. RAKER. Where is there any law that prohibits her from being naturalized?

Mr. SIEGEL. Is citizenship limited to the male?

Mr. CRIST. Yes.

Mr. SIEGEL. Where; in the statute?

Mr. CRIST. Yes.

Mr. RAKER. Can not an alien married woman, after she comes here, file her petition for naturalization and become naturalized just like a man?

Mrs. PARK. My understanding is that a married woman takes her citizenship from her husband. In that case, she remains an alien, does she not?

Mr. CRIST. There are court decisions holding that the naturalization law does not provide for the naturalization of a woman independent of her husband, or independently at all. There is one exception to that, where an act was recently passed that permitted a woman whose husband became insane after declaring his intention, to herself proceed to become a citizen on his declaration, if he held a homestead entry. That is the act of February 24, 1911 (36 Stat. L., pt. 1, p. 929.)

The only other provision which refers to a woman being naturalized is found in the sixth subdivision of section 4, which says:

When any alien who has declared his intention of becoming a citizen of the United States dies before he is actually naturalized, the widow and minor children of such alien may, by complying with the other provision of this act, be naturalized without making any declaration of intention.

Inasmuch as the whole of naturalization is statute law in this country, they have applied the rules of common law in construing the application of a woman for citizenship, whose husband is living, and who is an alien. The case of *in re Riondo*, which was decided in New York State in 1902, is followed by the courts all over the United States. Her husband was a Spanish subject, and she applied

for citizenship independently of him, and the court, in a lengthy decision, denied her application, and that has been the rule of the courts from that time until this.

Mrs. PARK. Mr. Chairman, may I add one word to my statement? Mrs. Gardener calls my attention to the fact that something I said may be misleading. I said that that had been the principle of our organization for a good many years, and then I stated that we had held our first annual convention. We are a new organization, the lineal successor of the National American Woman Suffrage Association. The National American Woman Suffrage Association will dissolve as soon as certain legal requirements can be gone through with, and the membership will go over to the new organization, the National League of Women Voters. That is why I say we are a young organization.

The CHAIRMAN. The committee is very glad to note the interest of your association in matters of this kind. The problems are quite difficult.

Mr. RAKER. Let me ask Mrs. Park—because this matter has been before the committee so much, and after many weeks of consideration the committee finally determined as provided on page 8 of H. R. 10404—whether or not, Mrs. Park, we would not be going too far to repeal the law which now naturalizes an alien when she marries an American citizen, and whether or not we have not given her a safeguard now by requiring her to take the oath of allegiance? The marriage contract makes her a citizen now, but she can take the oath of allegiance and thereby become an American citizen. Do we not retain the status of husband and wife and the general law relative to our relations here and in foreign countries by allowing a woman, after she marries an American citizen, to take the ordinary oath of allegiance—a record being kept of every one who becomes a citizen in that way—than to try to separate it? I can not quite get the idea of that separation at this time.

Mrs. PARK. Mr. Chairman, I do not see that there is any difference in principle. I think it is a question as to whether we shall go the whole length in the process of separate naturalization, or whether we shall go only part way. It seems to me that the phraseology of House resolution No. 10,404, as it now stands, provides for the steps in that direction, but that it has not gone the full length.

The CHAIRMAN. You would give the wife of an alien the right to make application for American citizenship in her own right?

Mrs. PARK. Yes.

Mr. VAILE. And go through the whole process, including the application?

Mrs. PARK. Yes.

Mr. BOX. And the examination as to fitness and everything?

Mrs. PARK. Yes.

The CHAIRMAN. Say the man remained a citizen of Ireland, what nationality would the children be?

Mrs. PARK. Mr. Chairman, those are questions that are going to be asked. Under this act which you propose, I understand the children would in any case be required to take the oath of allegiance when they became of proper age, and that oath of allegiance might

be construed as their declaration of a desire to become American citizens. This act would cover that question.

The CHAIRMAN. If they are born in the United States, they are American citizens; if they are not born in the United States, how are you going to determine their citizenship?

Mrs. PARK. Under this act they remain aliens; they can not become citizens unless they do take the oath of allegiance.

The CHAIRMAN. The committee has gone over that a good many times, and also with regard to property rights.

But let me read, so that we may have the record complete, the Anthony bill, which goes in some detail into the matter suggested by you. It reads as follows:

That no distinction shall be made by any court in matters of naturalization of aliens, whether in declaration of intention or final application or proof or otherwise because of the sex of such alien. The failure, neglect, refusal, or inability of any male alien to become a citizen of the United States shall be no impediment to the wife of such alien in becoming a citizen or in declaring her intention or making final application for citizenship or in making proof therein.

Any woman, now married to an alien, she being at the time of such marriage herself an alien, may make declaration of intention to become a citizen, or may make final application and proof for decree of citizenship, or both, upon the same conditions as though she was not married at the time of such declaration or application or proof.

All alien women who shall hereafter marry citizens of the United States shall be deemed to retain their own nationality unless they shall comply with the naturalization laws of the United States the same as though they were not married.

That all American women now married to foreigners residing in the United States may, after the passage of this act, resume their American citizenship by filing a declaration with any court having authority to naturalize American citizens within the jurisdiction in which she resides.

No woman who is, or has been, a citizen of the United States by birth, or by naturalization by a competent court, or by marriage to a citizen shall thereafter lose or be deemed to have lost her American citizenship by reason of marriage to an alien unless she shall affirmatively declare such renunciation of citizenship in a district court of the United States, or before a consul of the United States if without the territorial bounds of the United States or its possessions. Alien-born children, if under the age of twenty-one years at the time of naturalization of their mother, shall thereby become citizens whether their mother gains such citizenship by decree of court, or by naturalization through marriage with a citizen or through naturalization of her husband, under section 1994 of the Revised Statutes.

The adoption of an alien under the age of twenty-one years by a citizen, according to the laws of any State or Territory, shall naturalize such infant alien, and if either parent who duly adopts such alien shall thereafter become naturalized before such infant alien arrives at majority, such infant alien shall thereby become naturalized.

All acts and laws inconsistent with the foregoing are hereby repealed.

There is the thing in plain language.

Mr. RAKER. Getting back to this other discussion, I am trying to get Mrs. Park's view on it as to the justness of it. Under the provisions of the bill an alien woman marrying an American citizen could, of course, immediately become a citizen?

Mrs. PARK. Yes.

Mr. RAKER. But, under this bill, she is required to take a further step by taking the oath of allegiance, which will be on record, and she will get a duplicate copy of it. Under the proposed suggestion to repeal that law and allow her to become a citizen in her own right, upon her marriage you would then have the status of an

American citizen with an alien wife, and with native born children, and you would get international complications just the same.

MR. SIEGEL. Let us go one step further, judge, and let us say they come over here with a child more than 2 years of age.

MR. RAKER. I saw that, but I wanted to hold on to this, first. If, as a matter of fact, we are giving the women the right to vote, which is before the committee and in the committee's mind, we should not attempt to take the right to vote from these women. Their desire to participate in the electorate would force them by their natural pride and otherwise to become proficient, but we add a different step, and we make them take the oath of allegiance, and we would not then deprive them, for this length of time, four or five years, from applying to become naturalized, and at the same time would not get into international complications by virtue of the husband being an American citizen, and the wife during the same time being an alien, and the children born of the marriage during that time being American citizens. It seems to me we just went as far as we could to protect the electorate and the women who married American citizens.

MRS. PARK. Judge Raker, do I understand that you think this law would be retroactive, if passed?

MR. RAKER. No.

MRS. PARK. You merely understand it as applying to the future?

MR. RAKER. Yes. It would not be retroactive.

MRS. PARK. That is my understanding of the bill. You want to say that you consider it a hardship imposed upon the alien woman from this time on, for several years, because she would have to go through the process for five years, you think, without the opportunity to be naturalized immediately?

MR. RAKER. By the marriage and taking the oath of allegiance. We have been trying to give the women an opportunity to participate in the electorate and to vote, and the law has been on the statute books now for many years. Why should we jump around now and deprive these many good women who marry American citizens, and who are rearing American citizens, from the right to vote?

MRS. PARK. May I just answer that question of Judge Raker? I should say that at the present moment, Judge Raker, it might work a little injustice for five years, but in the long period of the future, for which we are providing, the act would work out justly for everybody concerned, and I personally should be willing to take the risk of a little hardship during the first years for the sake of the effect it will have later on.

MR. SIEGEL. We have here a list of hundreds of American women who went abroad and married. After a couple of years, getting tired and sick of being married to the nobility, they make up their minds that they want to come back to America, and then they want their American citizenship back. As a rule, this committee here, feeling perhaps that they did not think sufficiently long before they got married, usually gives them back their citizenship. Let us take the women who have been here a number of years, who have married, and in that way have become citizens. If these women here who have thus become citizens were to be required to undergo the full examination, it seems to me we would be forgetting the one thing which underlies the whole proposition, namely, the children, who are growing up.

What are those children to be? Are they to be the children of Mrs. Frenchwoman, or Mrs. Englishwoman, or Mrs. Czecho-Slovak, or what?

Mrs. PARK. Mr. Siegel, you have asked two questions at once, and if I may, I will answer them one at a time. In the first place, in regard to what I think about the women who may have married foreigners and gone to live abroad and then repented their decision; you have said that this committee has decided that question by returning their citizenship to them. I decline to take any responsibility for those women, and I really do not know very much about them. But it seems to me they ought not to be permitted to interfere with the application of a just principle.

Mr. SIEGEL. Do you realize that in certain States from 35 to 40 per cent of the women can not read or write?

Mrs. PARK. I come from Massachusetts.

Mr. SIEGEL. I realize that.

Mrs. PARK. I have not answered your second question yet.

Mr. RAKER. There has only been one case that has been passed upon by this committee, and has been passed by the House, the case of a woman that came back for citizenship in order to obtain money and property. There is another one which has not been disposed of by the House.

Mrs. PARK. In regard to that matter, it seems to me the committee can recommend, and Congress can legislate as seems wise in the future. I think it is not seriously involved in the principle I am trying to support before this committee.

In reply to Mr. Siegel's question, and a very important one, about the children, it seems to me that you have provided for that in House bill 10404 by requiring them to take the oath of allegiance. The only question would be during their minority, and my understanding of the law is that during their minority they are considered to belong to the citizenship which their father holds, and would be provided for after their majority by the present law. I do not see why that question should necessarily be involved in what we are suggesting.

Mr. SIEGEL. Suppose we go abroad for a few months and Mr. American citizen and Mrs. English citizen go to France, and a child or two are born over there. France would claim its nationals, but what is the child? Is it an American citizen?

Mrs. PARK. That is where I think the State Department would have to advise us. I think that complication is not very greatly exaggerated by the legislation we are proposing.

STATEMENT OF HON. JOHN JACOB ROGERS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS.

Mr. ROGERS. Mr. Chairman, my bill is as follows:

That no woman who shall be an American citizen and a resident of the United States and who marries an alien on or after the date when the joint resolution proposing an amendment to the Constitution extending the right of suffrage to women, having been ratified by the legislatures of three-fourths of the several States, shall have become valid to all intents and purposes as a part of the Constitution, shall be deemed, so long as she continues to be a resident of the United States, to have surrendered, forfeited, or impaired her

American citizenship by the fact of such marriage; and no alien woman who marries an American citizen on or after said date shall be deemed to have acquired American citizenship by the fact of such marriage.

Mr. Chairman and gentlemen, I come to advocate H. R. 12749, and I should like at the outset to call the attention of the committee to the fact that there are two entirely distinct proposals involved in the bill. I believe in them both. I think that both ought to have the sanction of law, but at the same time they are independent, and if the committee does not see its course clear to advocate and recommend to the House the adoption of both, I hope it may, nevertheless, take the other of the two, I think either one alone is worth passing, although I reiterate my belief that both of them ought to be passed.

Two statutes of the United States I should like to put in the record to show the foundation for what I am going to say. They are very brief. The Revised Statutes, section 1994, which is the act of February 10, 1855 (Barnes's Fed. Code, sec. 3401), provides as follows:

Any woman who is now or may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen.

That, of course, is directly negatived by the second of my two proposals, namely, the proposal which appears in lines 1 to 4, inclusive, on page 2.

The second statute, which is the act of March 2, 1907, and which appears in Barnes's, section 3402, provides, in part, as follows:

Any American woman who marries a foreigner shall take the nationality of her husband. At the termination of the marital relation she may resume her American citizenship, if abroad, by registering as an American citizen within one year with a consul of the United States, or by returning to reside in the United States, or, if residing in the United States at the termination of the marital relation, by continuing to reside therein.

That, of course, is the converse of the case where an American woman marries a foreigner. Even the first sentence of that statute would not be wholly repealed, provided the committee should report out my bill, because my bill provides for the additional element of residence, and, of course, my proposal does not exclude the reacquisition of citizenship in the case of an American woman who has once lost her citizenship; so that the second portion of the statute, relating to the course open to the woman after the marital relation has been terminated, would continue to be effective even if this bill is adopted.

I assume that the committee is entirely familiar with the case of *McKenzie v. Hare*. I do not propose to take very much time of the committee in dealing with it. Possibly some of the members of the committee were not on the committee at the time the previous discussion was held, so that it may not be superfluous to allude to it very briefly. The case which I have in my hand is that of *McKenzie v. Hare*, 239 United States Supreme Court Reports, p. 299. That was a case decided in 1915, and construed the statute of 1907 which I have just read, and declared that statute constitutional. The question was this:

An American born California girl, who had resided in California all her life, married in California a British subject, but continued to

reside in California; she sought to exercise her right to vote which she unquestionably would have had, provided the statute of 1907 had not deprived her of her citizenship. The sole question, therefore, was whether this statute was constitutional. The Supreme Court held that it was and declared that the election commissioners of the city and county of San Francisco had properly forbidden her the exercise of the franchise. The opinion of Justice McKenna, which is the opinion of a unanimous court so far as the principles involved are concerned, is very interesting on this point. He calls attention to the fact that "the identity of husband and wife is an ancient principle of our jurisprudence," to use his exact language. I think there is no question that that is true. It has taken a great many centuries to get away from the principle that in fact the wife was the chattel of the husband. In my judgment, the adoption of the constitutional amendment extending the right of suffrage to women, which is, we believe, only a few months off, needing only three States, I understand, to make it effective, removes the last barrier before the law of the two sexes. When that moment comes, when the right of suffrage is extended to women, I can not, for the life of me, see any reason why we should establish one set of rules for American citizenship in the case of men, and another set of rules for American citizenship in the case of women. The chattel idea has happily gone for good from our laws, and, as Justice McKenna very justly says, "the identity of husband and wife is an ancient principle of our jurisprudence."

That may have been a good law in 1855. It was simply declaratory of the common law, and was enacted only to clear up certain divergences of opinion which had developed in the Federal courts of the United States. That may have been a good statute in 1907, although I confess it was something of a shock to me to find that 13 years ago we had passed a law of that kind. But whatever the facts were then, the adoption of the Federal amendment, as I may repeat with emphasis, seems to me to remove the last reason for this divergence of law in the treatment of citizenship as between the sexes.

Now, coming in detail to the provisions of my bill, I provide, in the first place, and in the first portion of the proposal, that the woman must be an American citizen, that she must be a resident of the United States at the time of her marriage to the alien, and that her citizenship shall be protected only so long as she continues to be a resident of the United States. I adopted that language for two reasons. In the first place, to avoid the international complications which Mrs. Park has referred to, and of which I fully realize the importance; and in the second place, as she hinted also, because I was not very much concerned in taking care of the title hunters. I should not wish to characterize those ladies too strongly. Many of them marry properly, and I dare say for love, but at the same time many of them do not, and I do not think we ought to extend the protection of our American citizenship, with the possible consequences which might result internationally, to a woman who has thought so little of it as to go abroad and who purposes to reside there permanently. So, as I say, this provision ought altogether exclude women who have departed from the United States with the intention of taking up their residence abroad.

Mr. KLECZKA. Does that word "residence" accomplish what you have in mind?

Mr. ROGERS. Your suggestion would be the substitution of the "domicile"?

Mr. KLECZKA. Yes.

Mr. ROGERS. I am not sure but what that would be an improvement. I have been looking up the authorities, as a matter of fact, since I introduced this bill, and, among others, I have consulted John Bassett Moore's Digest of International Law, volume 3, pages 448-463, inclusive. The citation which I have given deals with the precise points which are covered in this bill, namely, the effect of marriage between an American woman on the one hand and an alien on the other, or vice versa.

Mr. KLECZKA. What volume is that?

Mr. ROGERS. This is volume 3 of Moore's Digest of International Law. Then there is an exceedingly interesting discussion in that same volume, chapter 11, page 811 and following, on domicile, and Mr. Moore, who I suppose is the greatest authority upon this question that we have in this country, and perhaps that there is in the world, quotes with approval the following:

Story defines the term (domicile) in its ordinary acceptance, as the place where a person lives or has his home; and, in a strict and legal sense, as the place where he has his true, fixed, permanent home, and principal establishment, and to which, whenever he is absent, he has the intention of returning. This definition has been widely accepted by the courts. The phrase "principal establishment," was and is employed in the civil code of Louisiana. Wharton defines domicile as "a residence acquired as a final abode."

To acquire domicile in a place, there must be (1) residence, and (2) an intention to remain permanently or indefinitely. Where the physical facts as to residence are not disputed, the sole question is that of intention.

So, replying to Mr. Kleczka's suggestion, I should certainly have no objection if it was the view of the committee that the word "residence" ought to be so changed as to include the idea of domicile instead of residence.

Mr. RAINEY. Did you look up the definition of "residence" as applied to your bill?

Mr. ROGERS. It is difficult to get so satisfactory—

Mr. RAINEY. Domicile is usually used by the courts?

Mr. ROGERS. Domicile is more apt to be used by the courts. I intended the word "residence" to mean the same thing as domicile, and, according to some authorities, it does mean practically the same, as in the laws in my own State. But if there is any question about it, I should say that the stronger word was the preferable one.

Mr. RAINEY. It seems to me that "domicile" is the word we ought to use in that bill.

Mr. ROGERS. It is the better word.

Mr. RAINEY. I think so, under the definition of Webster, if you do not mind my reading this.

Mr. ROGERS. Certainly not.

Mr. RAINEY (reading). "Domicile: A residence at a particular place, accompanied with an intention to remain there for an unlimited time; a residence accepted as a final abode, a home, so considered in law. But residence is not domicile, though domicile is a

legal conception of residence. Domicile is residence combined with intention."

Mr. KLECZKA. I know that the Internal Revenue Department has difficulty in defining the word "residence" in reference to the taxation of aliens, and they drew the distinction between resident and nonresident aliens; they have defined a nonresident alien as one who did not live in this country for a fixed period of time, but was simply here on a temporary mission.

Mr. ROGERS. I should dislike to regard as final authority the decision of the Internal Revenue Department. They have given me five different opinions on one question in the last three days. But it seems to me the question of using the exactly right word to convey the legal meaning is certainly an important one, and I should not object to the substitution of the word "domicile."

I do not want to take very much of the time of the committee, because this is a highly technical subject, which has many ramifications which are extremely important and extremely intricate. I shall, therefore, give way in just a moment, if the committee pleases, to the experts whom we have here from the Department of State and the Department of Labor. I should, however, like to call attention to one point on the second phase of the proposal, namely, that it deals with the citizenship of an alien woman who marries an American citizen, and it denies her the acquisition of American citizenship by the fact of such marriage. That, of course, is intended to leave the alien woman coming to our shores, whether married or not, in exactly the same situation as regards naturalization eligibility as the alien man. It seems to me it is very difficult to escape the force of the suggestion of Mrs. Park that there is no reason at all for giving an alien woman more privileges than the alien man receives.

When citizenship carries with it a voice in the Government of the United States, we certainly can not afford to give citizenship unless the exerciser or the to be exerciser of citizenship is possessed of the qualifications to enable him or her to be a good citizen. It is a matter of common knowledge, to refer again to the illiteracy question, that a very large proportion of the people who come to our shores from Europe are not able to read and write, and also that a very large proportion of those who are already in this country are not able to read or write.

Mr. SIEGEL. Is that quite so? The greatest percentage of illiteracy is in the Southern States, where there is practically no foreign born.

Mr. ROGERS. A very large percentage, I said.

Mr. SIEGEL. Twenty-four per cent.

Mr. ROGERS. I repeat "a very large percentage of them." That is true, Mr. Siegel.

Mr. SIEGEL. I do not agree with you. The census figures will bear me out.

Mr. ROGERS. It is a matter of common knowledge that there is a considerable degree of illiteracy.

Mr. RAKER. Will you yield to a question right there?

Mr. ROGERS. Certainly.

Mr. RAKER. For 40 years in Wyoming, 15 or 20 in Colorado, and some 10 in California. and the other States where the women have

been voting, there has been no complaint by reason of the fact that an alien woman, on account of American citizenship, is thereby permitted to vote. Now, why should complaints be raised from States that have not permitted women the right to vote, and why should you deny these ordinary women of our country, good women who marry American citizens, the right and privilege of voting?

Mr. ROGERS. I think it is a protection to the country, Judge Raker, to exclude illiterates from the ballot, whether male or female.

Mr. RAKER. These are not illiterates. That is where you are mistaken.

The CHAIRMAN. Let me ask you a question about Massachusetts. A man in Massachusetts, in order to be able to vote, has to be able to read and write, has he not?

Mr. ROGERS. He must be able to read and write.

The CHAIRMAN. Under your law, if a woman came into the voting right, if she had not already done so, she would have to learn to read and write?

Mr. ROGERS. Yes.

The CHAIRMAN. So it is regulated by statute of the State?

Mr. ROGERS. Yes.

Mr. RAKER. In Colorado a man must be able to read and write, must he not? . . .

Mr. VAILE. They have been voting men who are not able to read and write for something over 26 years. In the second place, nobody voices objection to the voting of people who vote now. What we do is to try to get the votes of the people who vote now.

Mr. RAKER. What I was asking you was if in the State of Colorado in order to vote, a man must be able to read and write?

Mr. VAILE. Most of them can, as a matter of fact.

Mr. RAKER. But that is the law, is it not?

Mr. VAILE. No.

The CHAIRMAN. Let me ask you in regard to this second provision of your bill:

And no alien woman who marries an American citizen on or after said date shall be deemed to have acquired American citizenship by the fact of such marriage.

Now, let me read you the provision of the proposed bill, known as 10404, on page 8:

Any woman who is now married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen. *Provided*, That any alien woman who shall hereafter be married to a citizen of the United States shall not be deemed a citizen until she has taken the oath of allegiance provided in the third subdivision of this section. The wife of any alien hereafter naturalized shall be deemed a citizen of the United States upon taking the said oath of allegiance.

Does that cover the situation?

Mr. ROGERS. To my mind it does not.

The CHAIRMAN. State clearly just what you want done?

Mr. ROGERS. As I understand the provision on page 8 it requires the taking of an oath of allegiance on the part of the woman and thereby she acquires citizenship.

The CHAIRMAN. What do you want her to do?

Mr. ROGERS. Just the same as a man must do—to take out papers and go through the same processes of naturalization. Of course, the

oath of allegiance is not to be taken lightly, but it is so taken by some of those who take it. It seems to me that it would be most likely for it to be so taken by those who would be most dangerous to our institutions.

Mr. RAKER. What would be the difference if she were taking it after marriage or if she took it before or without marriage?

Mr. ROGERS. I do not grasp just what you mean by that question.

Mr. RAKER. You say she might take this oath of allegiance lightly. What would be the difference as to whether she was married or a single woman, as to the mode or sincerity in which she took the oath?

Mr. ROGERS. Not the slightest. But my suggestion is that it is not a great protection to the United States and that the taking of the oath of allegiance under this provision does not necessarily fit that woman efficiently to exercise the suffrage. She may be entirely illiterate. She may not be able to distinguish the letters of the alphabet even. She may be feeble minded.

Mr. RAKER. She could not vote in this country if she was feeble minded or if she can not read or write.

Mr. ROGERS. She can in a good many of the States.

The CHAIRMAN. We amended that language that no alien shall hereafter be naturalized who can not speak and read the English language.

Mr. ROGERS. Where is that?

The CHAIRMAN. That is an amendment to section 8 of the act in section 5 of this proposed bill (H. R. 10404).

Mr. ROGERS. I think that is an excellent provision. May I ask, Mr. Chairman, if it is the intention of the committee that the woman alien, a woman marrying an American citizen, would not thereby become an American citizen if she took the oath of allegiance, despite the provisions of section 8?

Mr. SIEGEL. That is the purpose of it if she were to marry an American citizen.

The CHAIRMAN. The whole thing is to Americanize the processes of naturalization. We undertake to provide a method by which citizenship can be withheld until some Americanization has been done. That is the point.

Mr. SIEGEL. Is not the real remedy, as a matter of fact, in those States that do not provide that a person shall be able to read and write, to take away the right to vote there unless they can. As a matter of fact, at this very hour in certain of the States in this country, in four of them, one does not have to be a citizen in order to vote. A man with first papers may vote in Indiana for President; in Texas for President; in Missouri for President; and in Arkansas for President without even being a citizen. All that is necessary is to take out first papers for citizenship to be able to vote in those States.

Mr. ROGERS. I shall not need to characterize that.

Mr. SIEGEL. But they do it.

Mr. ROGERS. They do it, but no one of us can condone such a practice. But that remedy is beyond our power to give to the States. This remedy is not a matter of viewpoint, and is based on very fundamental and simple principles. The distinction between the

sexes under the present law is as archaic as ordeal by fire. It goes back to feudal and medieval times. We have perpetuated some of those distinctions in our laws. Perhaps there was a certain justification for that perpetuation until the suffrage amendment does away with the last legal barrier. After that time I confess I see no justification and no principle for continuing the sort of legislation which I have quoted. It seems to me we ought to treat a woman citizen either in esse or posse exactly "on all fours," if I may use a rather awkward simile.

Mr. RAKER. Has there been any complaint in any of the States where women vote against the women voting, on the ground of their intelligence or character or otherwise, they having married Americans and having become naturalized by virtue of the marriage?

Mr. ROGERS. That is a somewhat broad question. I happen to live in a State that has not yet extended suffrage to women.

Mr. RAKER. I have never heard from any source complaints under any circumstances of American citizens by naturalization through the marriage of the husband failing in their duty through the lack of intelligence or inability to read or write in any way, shape, or form. This is the first time I have ever heard the question that there would be any objection to allowing those women to participate in suffrage after they become married to American citizens.

Mr. ROGERS. If there are no other questions, Mr. Chairman, I will surrender the rest of my time and leave unsaid what I was going to say.

The CHAIRMAN. I believe the hearings that were held at previous times in prior Congresses upon bills of this kind were not printed, or if printed, the supply is exhausted. I wish you would put in the record your legal references for the benefit of the committee.

Mr. ROGERS. I shall be happy to do that.

The CHAIRMAN. The general discussion has reached a point where I think, perhaps, Mr. Flournoy, of the State Department, may wish to make a statement. If so, we will be very glad to have him proceed.

Mr. RAKER. As to the first and second provisions of the first provision of the naturalization act, does not that language apply to wealthy women who marry aliens? The second provision naturally applies, ordinarily and historically, as I read it, to women in ordinary circumstances marrying American citizens. Now, why should we make a distinction in favor of the rich woman as against the woman of moderate means?

Mr. ROGERS. I think you make a distinction against the rich woman in the first provision. I do not agree at all with your premise as to the first provision. I might agree with it if I had not called your attention to my requirement that the woman should have been physically residing or domiciled in the United States when the marriage occurred and that the cloak of American citizenship is continued in her behalf only so long as she continues to reside and be domiciled in the United States. I do not believe it is true at all. I do not believe it is a fact that the first provision serves to protect the rich woman as against the poor woman. The reverse is true.

Mr. RAKER. That is the historical position as far as I can gather it.

The CHAIRMAN. Do you desire to make a statement, Mr. Flournoy?

**STATEMENT OF MR. RICHARD W. FLOURNOY, JR., CHIEF OF THE
DIVISION OF PASSPORT CONTROL, DEPARTMENT OF STATE.**

Mr. FLOURNOY. I am here for whatever the committee might wish. I did not hear of this until late yesterday afternoon. I did speak to Mr. Polk, Acting Secretary, about the question in a very informal way.

The CHAIRMAN. I think, then, that we will not ask you for a statement to-day, because in a few moments we must adjourn. We will be glad to have you come down later.

Mr. FLOURNOY. Yes; that will be better.

(Thereupon, at 11.45 o'clock a. m., the committee adjourned.)

ADMINISTRATION OF IMMIGRATION LAWS

HEARINGS

BEFORE

THE COMMITTEE ON IMMIGRATION AND NATURALIZATION

HOUSE OF REPRESENTATIVES

SIXTY-SIXTH CONGRESS

SECOND SESSION

MARCH 30 AND 31 AND APRIL 6, 1920

STATEMENTS OF

THOMAS M. FISHER

Inspector, Immigration Service, Seattle, Wash.

RAPHAEL P. BONHAM

Inspector in Charge, Immigration Service, Portland, Oreg.

I. F. WIXON

Assistant Commissioner of Immigration, Montreal, Canada.

W. F. SIBRAY

Inspector in Charge, Immigration Service, Pittsburgh, Pa.

W. A. BLACKWOOD

of Seattle, Wash.



WASHINGTON
GOVERNMENT PRINTING OFFICE

COMMITTEE ON IMMIGRATION AND NATURALIZATION.

HOUSE OF REPRESENTATIVES.

SIXTY-SIXTH CONGRESS.

ALBERT JOHNSON, Washington, *Chairman*.

ISAAC SIEGEL, New York.

HAROLD KNUTSON, Minnesota.

ROSCOE C. McCULLOCH, Ohio.

J. WILL TAYLOR, Tennessee.

JOHN C. KLECZKA, Wisconsin.

WILLIAM N. VAILE, Colorado.

HAYES B. WHITE, Kansas.

KING SWOPE, Kentucky.

ADOLPH J. SABATH, Illinois.

JOHN E. RAKER, California.

RILEY J. WILSON, Louisiana.

BENJAMIN F. WELTY, Ohio.

JOHN C. BOX, Texas.

L. B. RAINEY, Alabama.

P. F. SNYDER, *Clerk*.

ADMINISTRATION OF IMMIGRATION LAWS.

COMMITTEE ON IMMIGRATION AND NATURALIZATION,
HOUSE OF REPRESENTATIVES,
Washington, D. C., March 30, 1920.

The committee assembled at 10.45 o'clock a. m., Hon. Albert Johnson (chairman) presiding.

The CHAIRMAN. There are present, at the request of the committee, Inspector Thomas M. Fisher, of the Bureau of Immigration, with headquarters at Seattle, and Raphael P. Bonham, inspector in charge of the Immigration Service, district of Oregon, with headquarters at Portland, Oreg. These two gentlemen have just come from the Pacific Northwest, with a party of aliens for deportation, and have delivered them at Ellis Island.

I think it would be well for the committee to have a statement from these gentlemen, and to ask whatever questions they desire in regard to the progress of deportations.

We will proceed with Mr. Fisher.

STATEMENT OF MR. THOMAS M. FISHER, INSPECTOR UNITED STATES BUREAU OF IMMIGRATION, HEADQUARTERS SEATTLE, WASH.

The CHAIRMAN. Will you state, Mr. Fisher, where these deportations are from and the number?

Mr. FISHER. There was a party, originally, from San Francisco. I was not in charge of that party; it was in charge of a man detailed from Washington to pick them up. I simply accompanied him to assist him.

The CHAIRMAN. What was his name?

Mr. FISHER. Mr. Cline, of the Bureau of Immigration. They picked up deportees at Portland, Oreg.; those from the State of Washington were taken to Portland; and they picked them up all the way east, through Montana and Wyoming and Chicago, Buffalo, and Cleveland; they were put aboard all the way along on the trip; that is what made up the party.

The CHAIRMAN. How many deportees were in the party when it reached Ellis Island?

Mr. FISHER. Fifty-one when we reached Ellis Island, although some had been taken off at Chicago and sent on by way of New Orleans; others had been taken off at Buffalo and sent north by way of Montreal for deportation.

The CHAIRMAN. What were the principal charges against these deportees?

Mr. FISHER. Well, they were practically the aliens who had become public charges, by reason of their insane or criminal records;

there were some white slavers, and some who were deported under the so-called "Red" provisions of the immigration act.

The CHAIRMAN. All of those deportees are examined by inspectors before the warrants are issued?

Mr. FISHER. That is, before the warrant of deportation is issued; not before the warrant of arrest.

The CHAIRMAN. How is that examination conducted?

Mr. FISHER. After a warrant of arrest is issued, the alien is brought before the inspector, and a written record is made, and any evidence that may be obtained concerning his case is introduced. The record, together with a summary and findings or recommendations of the inspector, is forwarded to the Commissioner General of Immigration, and is definitely decided by the Secretary or the Assistant Secretary of Labor.

Mr. SIEGEL. The alien has counsel present, has he?

Mr. FISHER. They are always notified of their right to counsel, and if they desire counsel, the proceeding is held in abeyance until they can obtain counsel; and they are always notified of their right to introduce any testimony they desire in their own behalf; and if they desire witnesses examined, the witnesses are summoned.

Mr. SIEGEL. Let us take these cases with which you are personally familiar, where the people have been brought East for deportation: In those cases did counsel appear?

Mr. FISHER. Do you mean in this last party?

Mr. SIEGEL. Yes.

Mr. FISHER. I had nothing to do with the cases in this last party.

Mr. SIEGEL. Therefore, you are not familiar with that?

Mr. FISHER. No, sir. I will make this plain: From the district of Washington, or the State of Washington, there were only cases of men who had served a term and were deported on account of their criminal actions.

The CHAIRMAN. Now, let me ask you this question: Petitions are being forwarded to Members of Congress, all in a certain form, with a long preamble, to the effect that "campaigns of intimidation" are being carried on by governmental agencies, and particularly by the Bureau of Immigration and Department of Labor. I will read one of these petitions, and it will go into the record:

The time has come for the citizens of the United States to take cognizance of the economic, social, and political conditions, to take stock of their constitutional rights and privileges and ascertain whether or not they are being shorn of them. It took thousands of years of struggle and bloodshed to establish freedom's foundation, but it can be destroyed in a fraction of a second. It is too precious a heritage for the American people to lose lightly. Many believe we have already been irreparably injured by the foes of civil liberty. One thing is certain, that an hysteria, whether real or feigned for a purpose, pervades the land and threatens the fundamental principles of government fought and died for by Washington and Lincoln. Campaigns of intimidation of those portions of the population least able to speak for themselves, least able to assert their rights or obtain legal redress, carried on under the slogans of "loyalty," "patriotism," and "Americanism," have now reached a point intolerable to a self-respecting citizenry. Ordinary processes of law are being brushed aside, and a reign of terror is being introduced by governmental and nongovernmental agencies, which unlawfully raid homes of peaceful citizens and inhabitants, deprive innocent people of their liberty, exact excessive bail for their release, and in many instances are responsible for physical violence and unlawful destruction of life and property. One of the most flagrant violators of the rights of the people is the Bureau of Immigration of the Department of Labor, and for the purpose of

more clearly setting forth their transgressions we subscribe the following resolution :

Whereas it is the custom of the Bureau of Immigration of the Department of Labor to secretly examine persons arrested under department warrants before they are permitted to consult counsel and by threats, intimidation, and other coercive methods compel them to make statements upon which cases against them are founded, a procedure which constitutes a violation of a tradition of legal protection fought for and won after centuries of struggle by American citizens and Anglo-Saxon freemen; and

Whereas the universal procedure in all of these cases is for the local officials of the Bureau of Immigration to make the charges, determine what evidence may be admitted, hear the testimony in secret, and then pass judgment upon the case, the accused being denied the constitutionally guaranteed right of an open and public trial by a jury of his peers; and

Whereas in numerous cases the Bureau of Immigration has caused arrests to be made without warrant and raids to be conducted upon homes and gathering places without search warrants, these things comprising a plain and patent violation of the fourth amendment of the Constitution of the United States; and

Whereas the Bureau of Immigration has conducted raids indiscriminately and in such manner as to cause the arrest and illegal detention of many native-born American citizens; and

Whereas the Bureau of Immigration, as a part of the executive branch of our Government, has clearly exceeded its authority by encroaching upon the one hand upon the legislative department, in that this bureau is constantly establishing new law by the issuance of an elaborate series of executive rules and orders, and on the other hand is usurping the functions of the judicial department by interpreting the acts of Congress, and by those rules and orders promulgated by the bureau, thus breaking down the fundamental principles upon which this Government is founded: Therefore be it

Resolved, That we, ————, representing ————, citizens of the United States, do hereby call upon our Representatives in Congress to demand an investigation of the activities of the Bureau of Immigration in its violation of the Constitution and laws of the land and usurpation of power in depriving the people of their rights as freemen: Be it further

Resolved, That copies of this resolution be sent to the Senators and Representatives in Congress from this State.

Dated at ————, March —, 1920.

————, *Chairman.*
 ————, *Secretary.*

Now, Mr. Fisher, you are in charge of the inspection service in the State of Washington?

Mr. FISHER. Of the investigation work; yes, sir; under Commissioner White.

The CHAIRMAN. What do you think of those resolutions, etc., as applying to your own district?

Mr. FISHER. Well, I think their own language shows largely the misapprehension that they are laboring under. For instance, they speak of "trial by jury." They seem to have run away with the general idea that no arrest is legal unless it is on a warrant issued by a court, and that no trial or hearing of any kind is legal, unless it is a trial before a jury. They overlook the fact that the immigration statute provides for the issuance of a warrant by the Secretary of Labor, and for a hearing conducted by an immigration inspector; also that that hearing is supposed to be separate and apart from the public.

We have had instances out there where they have attacked the service in the local press, claiming that they were not allowed to be present at those hearings; that they were held without any process whatsoever, that there were no warrants issued; we do not, at least, in that district, hold a man without a warrant or some process.

The CHAIRMAN. Let us see what the process is: Take the case of an alien at Seattle.

Mr. FISHER. I can give it to you.

The CHAIRMAN. Let me get at it by a question: You take an alien who is suspected of some violation of the immigration laws; you have to hold him until you can get authority for a warrant, do you not?

Mr. FISHER. In probably 75 per cent of the cases, we obtain our warrant from our investigation, before the man is ever in custody. In, possibly, the other 25 per cent of the cases, they are cases that arise by reason of the man's arrest by local city, county, or State authorities, in which they have asked us to make an investigation and to take action, after they have made an arrest, possibly, on some minor charge, or, as the police often do, after they have picked the aliens up and detained them on suspicion; in that case, we arrest them, and telegraph the department for a warrant, receiving the warrant, as a rule, within 24 hours.

Mr. SIEGEL. Now, between the obtaining of the warrant and the time that you have the man in custody, what truth is there to these general allegations that oppressive methods are being used in trying to get these men to testify against themselves, as far as your district is concerned.

Mr. FISHER. There is no truth in that part of it at all. Because a man is questioned, and questioned apart from the public, is the only reason on which they can base a charge of that kind.

Now, as to the statement with reference to raids the Immigration Service, so far as I know, has never conducted raids. There have been raids conducted recently, but those were conducted by the Department of Justice; and those aliens that were weeded out were turned over to the Immigration Service later; but there were no raids of that nature conducted by the Immigration Service that I know of.

Mr. SIEGEL. In other words, the immigration officers in your State did not accompany the Department of Justice or other officials in making those raids?

Mr. FISHER. They did not.

Mr. SIEGEL. And the only thing that your bureau, or the immigration officials in your department, had to do with the matter was to receive these men after they had been taken into custody?

Mr. FISHER. Well, they brought them to the immigration station and weeded them out there. In other words, the aliens were picked up; there were unquestionably several hundred men picked up that evening, and brought to the immigration station and detained for a few hours until they could separate them, in other words the Department of Justice had applied for warrants for members of the Union of Russian Workers. They had unquestionably obtained the names of the people for whom they wanted warrants, the names of the members of that organization, from a membership book; but they did not know all those men by sight. Now, the only way in the world that they had of determining who those men were was to bring in practically every Russian that they saw, and ask him his name, and if his name was on the list, why, he was one of those who were held.

Mr. SIEGEL. You do not mean to say that the Department of Justice officials in Seattle, or in any other place, went out and picked

up men on the street without knowing who the men were, but simply picked them up and put them into custody?

Mr. FISHER. The police department did, at their request.

Mr. KLECZKA. Is there a record kept of all the proceedings from the moment the alien is arrested until he is ordered deported and subsequently thereto until his deportation? Do you keep a record of the proceedings?

Mr. FISHER. Yes, sir.

Mr. KLECZKA. And it is available at all times?

Mr. FISHER. Yes, sir.

The CHAIRMAN. Let us get that clear on the record: If the Department of Justice brought into the immigration detention station at Seattle a motley array of men picked up in an effort to arrest signed-up members of the Union of Russian Workers, you would have a record of all that were brought there?

Mr. FISHER. No; I beg your pardon; I did not understand that question to mean that.

The CHAIRMAN. In the case of those that were released, there would be no record known to you?

Mr. FISHER. They were questioned as to their name, occupation, etc.; and unless there was some reason to believe that they were not telling the truth, they were released as soon as they were questioned; and those whose names were on the membership book were held; but there was no record made of that large number of men that were brought in there and immediately released.

Mr. VAILE. What was the original ground for arresting a man? Surely not the mere fact that he was a Russian?

Mr. FISHER. I beg your pardon? I did not understand the question.

Mr. VAILE. What would be the original justification or grounds for making an arrest by the Department of Justice?

Mr. FISHER. Well, on this particular occasion, the police department apprehended these men. I was not with them; but I know what they did; they went to various pool rooms, etc., in which foreigners congregated, and they simply sent up in trucks all of them that happened to be there, for the other people to weed the right ones out. That is what was done.

Mr. SIEGEL. What was the date of that?

Mr. FISHER. It was approximately about the first part of February. I have not the exact date.

Mr. BONHAM. The first part of January.

The CHAIRMAN. That was the raid to round up the Communist Party aliens.

Mr. FISHER. No; this raid was some three weeks or more later.

The CHAIRMAN. There have been two raids?

Mr. FISHER. We had no Communist Party people in the State of Washington, except three at Spokane, and they were under arrest prior to that raid.

Mr. VAILE. Then these people would have some justification for saying that men had been arrested merely because they were foreigners?

Mr. FISHER. Well, I presume they would; yes, sir. They were detained only while they could weed them out. They started in about

9 o'clock in the evening, and about 11.30 or 12 o'clock the only people remaining at the station were the people for whom they had warrants, and whom they held. In other words, the others were never locked up at any time; they were simply brought into the offices and hallways, and they were coming and going all the time. As fast as they could determine who and what they were, they were either held on the warrant which the officers had or they were released.

Mr. VAILE. Well, you know that the very people who are opposed to our institutions are the people who are at the most insistent on there being no violation of their rights of citizenship; and, while the detention in these cases would not appear to be very aggravated, still, when an arrest is made for no charge except that the man is a foreigner, there is an awkward situation presented.

The CHAIRMAN. These two raids were somewhat similar to the Department of Justice "slacker" raids?

Mr. VAILE. Yes; which caused a great deal of trouble and inflicted a great deal of injustice.

Mr. SIEGEL. And produced practically nothing.

The CHAIRMAN. Let me ask you if the Department of Justice officials in that part of the country consulted with the immigration officials prior to these raids?

Mr. FISHER. They did, in this way: They filed with the immigration officer at Seattle affidavits concerning the names appearing on the membership list of the Union of Russian Workers; and on the strength of the affidavits made by the Department of Justice man in charge, warrants on deportation proceedings were requested from the Secretary of Labor and issued by him.

After they were received by the immigration office, the local Department of Justice man was notified, and he advised the Seattle office that he was awaiting instructions from the Department of Justice in Washington, D. C., as to the day and hour on which he would pick up these men for whom warrants had been issued.

And on this particular day he advised us that they would start about 9 o'clock in the evening, and he wanted us to have a sufficient force at the immigration station to take care of them. And at 9 o'clock that night two or three Department of Justice agents came to the immigration station, and soon afterwards the police began bringing these people in.

Mr. KLECZKA. Was that part of the nation-wide movement to clean up the country of radicals, which took place along about January 1?

Mr. FISHER. No; that was some three weeks afterwards.

Mr. KLECZKA. Well, was Seattle, in your district, included in the campaign of January 1?

Mr. FISHER. No, sir.

Mr. KLECZKA. They did not clean up there?

Mr. FISHER. There were no members of the Communist Party that could be located in the State of Washington, with the exception of three, who were already in jail at Spokane.

Mr. KLECZKA. I see. The method that you mention here is the plan that was followed in my section of the country, and they got very many dangerous radical aliens.

Mr. FISHER. Do you mean in this last raid?

Mr. KLECZKA. No; in the raid of January 2, as I recall.

The CHAIRMAN. Let me ask you this question: If that list of members of the Union of Russian Workers in the Seattle district had been handed you and your assistants, would you have been able to run down and locate and identify and bring in the particular men named?

Mr. FISHER. That were held?

The CHAIRMAN. If a list of, say, 50 members of the Union of Russian Workers in Seattle who were wanted for the purpose of deportation had been handed you, do you think you could have found and identified those men without raiding the city in that way?

Mr. FISHER. I think that the officers and prominent active members of the organization could unquestionably have been found; and, in fact, after this raid some 40 of them were picked up, one at a time, here and there, during the next two or three weeks.

The CHAIRMAN. Well, I think that is all on that line. However, I want to ask you in regard to this trip: Do you know whether a fellow was brought East with you by the name of Michael Cantroni from San Francisco?

Mr. FISHER. I could not say who came from San Francisco.

The CHAIRMAN. Michael Cantroni has been under arrest out there for a long time, and has been begging for deportation, and he is at Ellis Island on his way out, and having arrived there, he discovered that persons confined there are not permitted to see their friends and relatives whenever they please; and so he has put in a protest; he is an alien disturber.

Mr. WHITE. What I am interested in is, why he can not be deported. If a man wants to be deported, they ought not to have any trouble in deporting him.

The CHAIRMAN. Well, they are moving him along.

Mr. RAKER. Mr. Chairman, has the witness stated how many were deported on his recent trip to Ellis Island?

The CHAIRMAN. There were 51 brought to Ellis Island; but some were deported by way of Buffalo and New Orleans.

Before we go any further, I want to say, Mr. Fisher, that there have come to this committee statements, made under oath, by Arnold E. Allen, apparently a citizen of the State of Washington, made before Thomas M. Fisher, examining inspector, and W. P. Callahan, reporter; and these statements are being used in the State courts against certain I. W. W's. Do you remember the examination of Allen made by yourself?

Mr. FISHER. I do.

The CHAIRMAN. Can you identify it?

Mr. FISHER. Yes, sir.

The CHAIRMAN. Will you look at this paper and see if it is a copy of that examination made by you [handing paper to witness]?

Mr. FISHER (examining paper). I am satisfied that this is a copy of it.

The CHAIRMAN. And probably the copy being used in the State prosecutions?

Mr. FISHER. Yes, sir.

The CHAIRMAN. Will you state to the committee how you came to make the examination?

Mr. FISHER. I was handling a deportation case at Seattle and desired to avail myself of whatever evidence I could along the lines that were being used in the prosecution of violators of the State syndicalist law. This alien whose case was being heard had an attorney named Ralph Pierce, who is the attorney for an I. W. W. organization.

Mr. Pierce entered into a stipulation that the testimony of Allen and several others should be taken at Yakima at the time they were appearing there as State witnesses; and he waived his right to be present at the time that testimony was taken.

Mr. SIEGEL. This testimony of Allen was taken on March 6, 1920?

Mr. FISHER. Yes, sir.

Mr. SIEGEL. And you had as reporter W. P. Callahan.

Mr. FISHER. Yes, sir.

Mr. SIEGEL. Now, did Arnold E. Allen sign this testimony?

Mr. FISHER. No, sir.

Mr. SIEGEL. And who is this Mr. Callahan?

Mr. FISHER. He is an inspector of the United States Immigration Service.

Mr. SIEGEL. And he has been in the Immigration Service how long?

Mr. FISHER. He has been in the Immigration Service five or six years as inspector, and prior to that he was a stenographer and clerk.

Mr. WELTY. Do I understand correctly from that that that testimony was not signed by the witness?

Mr. FISHER. No, sir; it was not signed.

The CHAIRMAN. Let me say to you that this was testimony that was developed, it now appears, in the way that has just been described to us; and the testimony is playing a considerable part in the trial of members of the I. W. W. in the State of Washington, under State laws.

This testimony, which I will ask permission to insert in the record in full, is the confession, in a certain way, of Arnold E. Allen, who, it seems, got "sore" on his superiors in the I. W. W.; and, therefore, told what he knew about syndicalism or sabotage, as practiced, and the names of the individuals who did it. Allen is an American, and I presume that, in the State of Washington his evidence is being used against citizens who are being tried for those offenses.

(The testimony referred to is as follows:)

STATEMENT BY ARNOLD E. ALLEN.

[North Yakima, Wash., Mar. 6, 1920. Thomas M. Fisher, examining inspector; W. P. Callahan, reporter.]

Witness sworn, testified as follows:

Q. What is your name?—A. Arnold E. Allen.

Q. Did you ever join the Industrial Workers of the World organization?—A. Yes, sir.

Q. When and where?—A. In April, 1919; I joined them at the shipyard in Seattle; Skinner & Eddy's.

Q. How did you come to join that organization?—A. They made things unpleasant on the job for me while I was working there, so that I was forced to join them. They told me if I didn't join they would "sab" on me.

Q. What local did you join?—A. Shipbuilders' Industrial Union No. 325, of the I. W. W.

Q. Did you become an organizer and delegate?—A. Yes, sir.

Q. What was your credential number?—A. No. 113—then it was changed to 30.

Q. Did you attend any of their meetings in Seattle?—A. Yes, sir.

Q. Were the meetings held in a public hall or an the quiet?—A. Quiet; closed meetings.

Q. Where were the most meetings held that you attended?—A. Most of them were in the Postal Telegraph Building, upstairs in the Riggers & Fasteners Hall.

Q. Who was the secretary and treasurer of that local?—A. Peter Stromberg.

Q. Was this man also known as Pete Stone?—A. No; I didn't know him by that name.

Q. How long did you carry credentials as an organizer and delegate?—A. Until I quit, November 20, 1919.

Q. When you took out your credentials as an organizer and delegate who issued them to you?—A. The local secretary or stationary delegate.

Q. Did you receive instructions as to what your duties were as an organizer and delegate?—A. Yes.

Q. What kind of instructions did you receive?—A. I received instructions to sign up as many new members as I could and to propagate some of their literature.

Q. Did they furnish you with membership books?—A. Yes.

Q. Due stamps and defense stamps?—A. Due stamps, defense stamps, and relief stamps; all kinds of stamps.

Q. Did they furnish you with literature?—A. Yes.

Q. Whom did you receive that from?—A. Stationary delegate.

Q. Do you recall what literature you received?—A. Yes; there was a pamphlet called *The I. W. W., the Greatest Thing on Earth*; also a pamphlet called *The American Workingman*, by Hardy.

Q. Any others?—A. No; those were the principal ones that I can recall now. I also had *The Revolutionary I. W. W.*, by Perry; also had the pamphlet called *The Red Dawn*; also *Onward Sweep of Machine Process*, and there was one more, called *Fellow Workers in the Shipyard Industry*.

Q. Did you sell some of that literature?—A. No; I never sold any; but I gave it away.

Q. And it was given to you for the purpose of giving it away?—A. Yes; by the stationary delegate, and some by the chairman of the propaganda committee.

Q. Who was that?—A. That was a man by the name of Spokman.

Q. Did you have or hear discussions concerning the I. W. W. organization?—A. Yes.

Q. Did you have conversations with these various officers concerning it?—A. Yes.

Q. Concerning the literature; did they say whether the literature was the official literature of the organization?—A. Yes; they said it was.

Q. Did they say anything to you about the seal or label of the organization as it appears on the various literature; did you have any instructions concerning that?—A. Yes.

Q. What did they instruct you with reference to the official seal of the organization as it appears in literature or anything else?—A. The seal is the top of the globe; any seal to be official must bear the top of the globe.

Q. And any seal that bears that is an official seal of the organization?—A. Yes.

Q. Did they instruct you as to what is meant by the word label or administration appearing on the seal?—A. Yes; that part of the seal is nothing but a label showing it is the general organization label or the general administration label.

Q. If it had the word "administration" on it, it is the administration label?—A. Yes.

Q. And if it only has the word "label" what does that mean?—A. The union label—the three stars appearing above the globe also go in connection and is a part of the seal.

Q. So I understand you—any literature bearing the globe and the three stars indicate that it is official; is that correct?—A. Yes.

Q. Do you know anything about the *One Big Union Monthly*?—A. Yes.

Q. What is that magazine?—A. That is the official monthly publication of the general executive board of the I. W. W.

Q. Published by the general executive board in Chicago?—A. Yes; 1001 West Madison Street, Chicago.

Q. And it is distributed by the various locals throughout the United States?—A. Yes.

Q. Did you have any requisition blanks as an organizer and delegate such as this one (referring to I. W. W. requisition blank)?—A. Yes; they generally come through the branch secretary.

Q. You have seen these?—A. Yes; similar ones.

Q. These are official requisition blanks for literature and supplies?—A. Yes.

Q. All of these items printed under the head of "supplies and literature" all official supplies and literature of the I. W. W. to be called for by the delegates and organizer and furnished to him?—A. Yes, sir; they are.

Q. And all of these blank lines below the list of literature; have you ever seen other literature written in there?—A. Yes.

Q. Literature that the name had not been printed on and they write them in?—A. Yes.

Q. Would that also be official literature that they would be requesting?—A. Yes; some that they had not printed on the requisition.

Q. Now, a delegate or organizer having a requisition blank of that kind would send in one of these for literature they wanted, and when the secretary or treasurer furnished him some he would make a duplicate charging the delegate or organizer with the amount after each item, showing the amount that you would owe the organization; is that true?—A. Yes.

Q. And if he did not return any of the supplies or literature he would have to turn in that amount to the organization; is that correct?—A. Yes.

Q. Did the organizer or delegate receive a percentage of any kind for the sale of literature?—A. Yes.

Q. What percentage would he receive?—A. He would receive—he would get these things at wholesale prices, and sell it retail. Take a magazine like that (referring to the One Big Union Monthly), an organizer would take a bundle of them, say, a hundred; he would get them for \$7.50, and then he would sell them maybe for 15 cents, and he would get the difference.

Q. The money less his discount would all go to the organization?—A. Yes.

Q. Now, did you hear any talk at this meeting with reference as to whether or not they believed in the present Government of the United States?—A. Yes; I did.

Q. What was the nature of these talks?—A. They don't believe in any form of capitalistic government, and when questioning them very closely as to what they mean by capitalistic government; they would reply that this is the greatest capitalistic Government on the face of the earth.

Q. Referring to the United States?—A. Referring to the United States.

Q. Thereby indicating that they did not believe in the form of the United States Government?—A. That is right.

Q. Now, was there any talk with reference to what kind of a government they did believe in, if any?—A. Yes; they believe in the soviet government, similar to the soviet government of Russia.

Q. Did you hear any talk as to just how—what their ideas were with reference to the control of this kind of a government they were working for or advocating?—A. They believe in the soviet government of Russia and was to pattern this Government similar to it, only with their executive members as head of the government.

Q. Executive board of the I. W. W. to be the head of the Government?—A. Yes.

Q. Then what was the soviet—to be the I. W. W. locals for the different sections?—A. Yes.

Q. All more or less under the soviet board?—A. Yes.

Q. And this government was to be confined to the United States?—A. No; it was to take in the whole world.

Q. What, if anything, did you hear them talk about, with reference to organization, teachings concerning private ownership of property and control of industry?—A. They don't believe in no private ownership of property of any kind.

Q. Community ownership more or less?—A. Yes.

Q. Under the control of the organization?—A. Yes.

Q. Was this subject generally talked when they got together?—A. Yes.

Q. By officers and prominent and active members?—A. Yes.

Q. Men supposed to be posted on the organization?—A. Yes.

Q. And did they discuss it as individual views, or the ideas of the organization?—A. Discussed it as the ideas of the organization.

Q. So that it was generally understood by officers and active members what the organization stood for was teaching and advocating and working for?—A. Yes.

Q. Now, was there any discussion as to how it was expected to accomplish this end?—A. Yes.

Q. How did they expect to accomplish it?—A. They expected to accomplish it by means of the general strike, that is, when they were organized strong enough, but in the meanwhile they would try and accomplish it by the use of sabotage.

Q. Well, they didn't expect the people to close the industries, and simply hand it over to them?—A. No.

Q. How were they going to take them from them?—A. The most common way at the present time while they are not strong enough to work the general strike is to strike on the job for shorter hours, at the present time the eight-hour day, and reduce it to six hours; then from six to four, and then if there are men without work to two hours a day and then begin striking on the job proper.

Q. Now, did you ever hear that the organization expects to accomplish this object by the use of the ballot?—A. No.

Q. Was that ever discussed?—A. Yes.

Q. Have you heard some of them speak of the ballot?—A. I have, and have myself.

Q. You have?—A. Yes.

Q. Asked them something about it?—A. Yes.

Q. What did they say?—A. It was just like a gambler playing with his own deck of cards, the ballot was.

Q. Meaning what?—A. Meaning nothing could ever be accomplished by the ballot.

Q. Now, in order to force the owners of industries into giving in to them, you say they advocated sabotage?—A. Yes, sir.

Q. What was the general understanding of the meaning of the word sabotage?—A. It was best explained in one of the district organization meetings. The definition was also concurred in at that meeting and passed. The word sabotage has three distinct phases as to its meaning; first is meant by a peaceful way, such as striking on the job. If they can not accomplish their end that way and force an issue they resort to more of a destructive method, such as breaking tools, and destroying property, producing inferior articles of goods.

Q. In other words, you mean by causing loss to the owner?—A. Yes; and the third is the most violent phase of the word sabotage, whereby if they can not accomplish their ends by the first two methods then they resort to the last, which is taking of human life, that is get men out of the way who are stopping them from getting their demands.

Q. What are the symbols for sabotage?—A. Wooden shoe and a black cat.

Q. Are acts of sabotage as you understand it always ordered by the organization, or are there times when members simply take it upon themselves to perform these acts?—A. It is mostly discussed at meetings.

Q. Have you heard it discussed at meetings?—A. Yes; at lots of them.

Q. Do you know, or have you heard any plans laid for sabotage?—A. Yes.

Q. Do you know whether or not they were carried out?—A. They were.

Q. Can you give any instances?—A. Yes.

Q. What are they?—A. Such as striking on the job—after the 4th of July, 1919, they struck five days on the job.

Q. I have particular reference to any destructive acts of sabotage.—A. About the real destructive period of sabotage, after they found out they couldn't get their ends by striking on the job at successive intervening times, they resorted to the destructive way of gaining their ends, such as breaking drills, taps, breaking rigging around the shipyard, putting inferior pieces of work.

Q. These things actually happened in the Seattle shipyards?—A. Yes.

Q. Done by members of your local to which you belong?—A. Yes.

Q. Were they discussed at their meetings or planned at their meetings?—A. Some of them were planned and some were not.

Q. But some were planned?—A. Yes; I know several of them were planned.

Q. Any destructive means that you know were carried on?—A. The only things that I know about their destructive policy, at another meeting of the general district organization committee they discussed about ways and means

in the lumber work; and also they discussed ways and means about the hotel workers and restaurants; how they could gain their ends in those industries. About the lumber work, a spike driven in a log would be a good idea; break as many cables as they could in a logging camp.

Q. How do you know they actually carried these destructive policies on in the shipyards?—A. I saw them.

Q. Would they report back then or discuss afterwards what had been done?—A. Yes; they would hold their meetings, a job meeting where they were working, and discuss what had taken place, and what some of them had done, and they would lay plans at what time to do more.

Q. And did you gather the impression that this was all done in carrying out a fixed policy of the I. W. W. organization as an organization, or simply carrying out their ideas of some radical individual members?—A. Carrying out the ideas of the organization. As for the restaurant workers gaining their ends, they would resort to a form of sabotage which would not be so much destructive in the first place, such as in the summer time catching flies and putting them in the soup, and dropping the salt in coffee and frying meat in axle grease, and putting lots of pepper in the spuds, and so on down the line like that; whatever they could do that way to drive the trade away.

Q. In order to enforce the employers to come through with their demands?—A. Yes; and if that didn't work, to break as many dishes as they could; carry as many dishes as they could, stub their foot and fall down, and break them; and if that didn't work they would resort phase such as putting poison in the food.

Q. These things were actually discussed and planned?—A. Yes.

Q. As a policy which the organization desired carried out?—A. That was what was discussed before the meeting.

Q. You have seen other I. W. W. literature besides what was given to you?—A. Yes.

Q. Familiar with it?—A. Yes.

Q. Showing you an I. W. W. requisition blank, I will ask you if you are familiar with the pamphlets and publications mentioned thereon; that is, the English ones?—A. Yes; I am familiar with all of them.

Q. Are these publications official publications of the I. W. W. organization as you understand it?—A. Yes; they are.

Q. Is it your understanding that they have to be approved by the executive committee of the I. W. W. before they can be published and distributed?—A. Yes, sir.

Q. That is a fact, is it?—A. Yes.

Q. So that is approving and authorizing the publication and distribution of this literature the executive committee of the I. W. W. organization is making their literature official literature of the organization?—A. Yes, sir.

Q. You have been told this by officers of the organization that know what they are talking about?—A. Yes, sir.

Q. Coming back to sabotage, or acts of sabotage, in the Seattle shipyards that you mentioned, I believe you said you saw some of these acts yourself?—A. Yes.

Q. Do you know who performed the acts of sabotage—the men's names?—A. Yes.

Q. You knew they were members of the I. W. W. organization?—A. Yes.

Q. You know in what yard and approximate time these acts of sabotage were performed that you refer to?—A. Yes.

Q. Give me as definite information as you can with reference to these acts?—A. After they had struck on the job at intervening times in five days, commencing with striking on the job July 4, 1919, along about the first part of August—the second week, I think it was—at one job meeting held at Ames shipyard the members of the I. W. W. present at that meeting decided to take more drastic measures to gain their end. It was about the time that they decided at this meeting to perform their destructive methods of sabotage, together with the striking on the job. About a week later I saw a driller by the name of McIntosh break six high-speed drills, and 13 sets of $\frac{3}{8}$ taps in one day. This was done intentionally in furtherance of their plan that they had laid. Also about one week later I noticed a machinist in the ship alley in one of the hulls after the ship had passed through its official Government dock trial of 12 hours' steady running, I noticed a man by the name of John Kelly, a machinist, who was jimmying the cap off one of the boxes of the bearing of

the propeller shaft. He had a handful of reamer dust, which is very sharp steel. He took this steel and threw it in underneath the cap of the boxing and let the cap of the boxing down and placed the nut of the box back on, which he had taken off for that purpose. And I spoke to him about what he was doing and he told me that he was just doctoring up that boxing so that we could get a little bit more out of this boat.

Q. Did he tell you what effect the dust would have?—A. Yes.

Q. What did he say?—A. He told me that it would burn the boxing out and also more than likely would spoil that section of the propeller shaft so that they would have to pull back into the dock after they got started out on their official Government trial.

Q. Were there any other acts?—A. Yes. In the month of September I saw a man by the name of Mike Kelley, a driller, who went down in hold No. 1 of a hull—the number and name of the hull I don't remember—on Saturday morning at 11.15, clear down to the bottom of the hold No. 1, in the bilge below the water line, and started drilling rivets; and being close to 11.30, when we went off shift, I never particularly noticed to see whether or not he had drilled these rivets clear through or not; but on the following Monday morning, when we went to the ship again at 7.30, the bow of the boat was listed, with the stern end high in the air out of the water, and at a meeting that Monday morning, about 1.30, of the I. W. W.'s held in the dead-water tank this was discussed, and Kelley said that "if the rest of you wobs would do similar as I did Saturday, we would make these boats so damned expensive that our aims would be quickly obtained." He generally admitted and boasted that he had drilled three $\frac{3}{4}$ rivets out of the side of the boat in hull No. 1 below the water line that previous Saturday. He said, "See what I done; they will have to employ submarine divers or dry-dock the boat."

Q. As I understand it, they were in the habit of holding I. W. W. meetings on the ship, while they were supposed to be working?—A. Yes.

Q. Was that the general practice?—A. That was the way they always did. They would advocate holding job meetings at the general meetings.

Q. That is what you mean by job meeting?—A. Yes.

Q. Who would preside at these meetings?—A. They would elect a chairman, also a recording secretary.

Q. Did they pretend to keep a record of the meetings?—A. Yes.

Q. And would that record—what became of it?—A. Reports were made from the minutes of those meetings to the general meeting.

Q. Were you well in the confidence of prominent members and officers of the organization, so that you would be in touch with inside information as to what the organization was, etc.?—A. Yes, sir; because I was elected on the general organization committee of Industrial Union No. 325; also held an office on the general auditing committee which would place me in the confidence of all members and officers; also presided at meetings at times, and acted as recording secretary. I was also chairman of the general organization committee.

Q. You are, therefore, in a position to know the things as to which you are testifying?—A. Yes, sir.

Q. Just what do you mean by the general organization committee?—A. The general organization committee—of which I was chairman—of the ship workers is to the ship workers all through the United States about the same as the general executive committee at Chicago is to the whole I. W. W. organization—a board of directors in control.

Q. Now, did it need the consent of that general organization committee to carry on this propaganda, sabotage acts, or could that be carried on by the local organization themselves, without necessarily having the approval and consent in each instance of the organization committee?—A. No; it had to be mentioned by the general organization committee; the general organization committee could recommend it, or it could be recommended through the general organization committee by the different locals, and then the general organization committee would pass on that recommendation as they saw fit.

Q. Did it need any authorization of the general executive committee of the organization?—A. That is as far as it would go in that industrial union unless it came to a general strike or something involving all the members of the I. W. W. organization.

Q. Referring to this literature, you have seen the Cross Examination of Haywood, Industrial Unionism, the I. W. W. in the Lumber Industry, have you not?—A. Yes, sir; they are all official publications of the I. W. W. organization.

Q. Now, some of these publications, the New Unionism, and Sabotage, by Emile Puoget, are not published by the I. W. W. organization?—A. No; but they have adopted it as official, and also they furnish money for the publication of these pamphlets.

Q. Who adopted them?—A. The general executive board.

Q. How do you know that?—A. Three different executive board members told me so.

Q. So that they are considered by general board members, active members and prominent members of the I. W. W. organization, as official, like the other literature published by the I. W. W. publishing bureau?—A. Yes.

Q. And the teaching therein must agree with the teachings advocated by the I. W. W. organization?—A. Yes.

Q. Now, while these publications are written by individual authors, if the ideas set forth therein agrees with the teachings of the I. W. W. organization, as I understand it, they are then accepted by the general executive committee, and their publication, distribution, and circulation authorized, is that correct?—A. Yes.

Q. Do you know whether or not the individual writer receives any benefit, such as a royalty, from the sale of these books?—A. No; he doesn't; they are turned over to the organization for their benefit.

Q. And the organization receives any benefit that may be derived from the sale or distribution of that literature, or the advantage of the ideas set forth therein?—A. Yes.

Mr. WELTY. Is that in the form of a deposition?

Mr. VAILE. It is in the form of question and answer.

Mr. WELTY. Well, should it not be subscribed and signed by him?

Mr. FISHER. For the purpose for which I took it, namely, to use in the deportation proceedings against an alien member of the I. W. W. organization, it is not customary to sign such statements; it is simply a record of testimony given.

Mr. VAILE. It is like testimony on the witness stand.

Mr. FISHER. Since then the State prosecutors have obtained copies of that, merely to guide them in questioning this man when he was giving his testimony on the stand.

Mr. WELTY. Well, do you forward that testimony, then, to the Commissioner General of Immigration here?

Mr. FISHER. Yes, sir.

The CHAIRMAN. I have secured this, I do not mind stating to the witness, in an effort to place in some of our reports actual statements as to the actual practice of sabotage. Here is a statement of Allen that he saw a man drill three rivets out of the hull of a ship that was being built during the war, for the purpose of letting the hull fill up with water; he describes that. He also describes the actions of another man in secretly putting steel filings in the bearings of the propeller shaft of a ship that was just ready for the Government trial, in order to ruin the ship.

The contention has been made over and over again that those charges were not true, but here is an exact statement of cases of that kind made by a witness.

Mr. RAKER. So that there can be no question about it, this statement was taken in the usual course, was it?

Mr. FISHER. Yes, sir.

Mr. RAKER. And the witness was sworn?

Mr. FISHER. Yes, sir.

Mr. RAKER. And a competent stenographer took down the testimony and transcribed it?

Mr. FISHER. Yes, sir.

Mr. RAKER. And if he has not certified it, of course, he could certify that this is a true and correct statement of the testimony?

Mr. FISHER. Yes, sir.

The CHAIRMAN. Now, this fellow is an American citizen, and I want to ask you, in your opinion, or from your observation, as to the number of aliens who are doing similar acts?

Mr. FISHER. Well, the I. W. W. organization is, in my opinion, 75 per cent alien.

The CHAIRMAN. In your part of the country or nationally?

Mr. FISHER. I can only judge by my own experience with them. I say, from my experience, I think the organization will run 75 per cent alien.

Mr. VAILE. What was the nationality of the man who drilled the holes in the hull of the ship?

Mr. FISHER. The man who made the statement?

Mr. VAILE. No; not the man who made the statement, but the man who drilled the holes in the ship?

Mr. FISHER. His name was Kelly; I presume from that that he was a man of Irish descent, if not Irish. We have not been able to locate him since obtaining this statement.

Mr. SIEGEL. Another man was mentioned there also; what was his name? Was it Stromberg?

Mr. FISHER. McIntosh was his name.

The CHAIRMAN. Stromberg seems to be an officer or director of the I. W. W.

Mr. SIEGEL. Mike Kelly was a driller.

The CHAIRMAN. McIntosh is the fellow who broke the drills and 13 sets of taps in furtherance of a plan that they had laid.

Mr. RAKER. What was the nationality of McIntosh?

Mr. FISHER. I could not say. Allen did not know himself, and I have not been able to locate any of the men mentioned in that statement since then. Since that testimony became more or less public on the first occasion that it was used in the court—

Mr. WELTY (interposing). Let me interrupt just a minute. You said a moment ago that about 75 per cent of the I. W. W.'s were aliens?

Mr. FISHER. To the best of my knowledge; yes, sir.

Mr. WELTY. Do you know what percentage of the men who work in the factories in our large cities belong to the alien population?

Mr. FISHER. No; I do not.

Mr. RAKER. I want to ask the witness, from his observation and knowledge, how many cases have been tried or arrests made under the State criminal syndicalist law of Washington within the past two years?

Mr. FISHER. The law went into effect in March, 1919, and there have been, approximamately, 75 cases—75 convictions; up to the time that I left there, there had been two disagreements and one acquittal.

Mr. RAKER. Otherwise, the cases have been all convictions?

Mr. FISHER. Seventy-five convictions.

Mr. RAKER. And the State officials and county officials are working industriously to enforce that law in Washington, are they?

Mr. FISHER. In nearly all the counties.

Mr. RAKER. Do you find any opposition to that law in your State among the citizens of Washington?

Mr. FISHER. No, sir; the citizens outside of those that are unquestionably radicals, I think are for that law. Of course, the radicals oppose it.

Mr. RAKER. What are those radicals? I would like to get in the record what element is opposing it.

Mr. FISHER. In addition to the members of the I. W. W. we have a certain amount of sympathizers with them, and radicals who want to control the American Federation of Labor. Those people are, of course, opposed to any law of this kind; and they are in the minority, I think.

Mr. RAKER. But the American Federation of Labor is heartily in accord with that legislation, is it not?

Mr. FISHER. I think all of the men who are with the American Federation of Labor at heart are.

Mr. RAKER. Yes.

The CHAIRMAN. Is it not a fact that, in the name of organized labor, a "special jury" was sent down to the murder trial at Montesano—the trial of the assassins of the soldiers at Centralia; and the report of that "special jury" to the effect that an acquittal should have been had is disrupting certain of the central labor bodies.

Mr. FISHER. I think it is, because that "special jury" was selected by a man named Frank Turco, one of the most radical men connected with union labor, probably, that there is on the Pacific coast; and he took the pains to select men of the same ideas and beliefs that he had; so that it was a foregone conclusion as to what that jury would decide before the trial was completed.

Mr. RAKER. Will you explain that so that it may go into the record: What do you mean by a jury being selected by outsiders to go down there?

Mr. VAILE. He called it a "special jury."

Mr. RAKER. A special jury to go down there and sit in the trial of the case in court.

Mr. FISHER. Well, a few radical members of the central labor council managed to get in control of a meeting of that body, and passed a resolution to the effect that labor should have an independent jury at that trial; and appointed this man Turco to select men, here and there, in the various towns of Washington and Oregon to go to the trial at Montesano and sit as what was called a "labor jury."

Mr. RAKER. How many of them were there?

Mr. FISHER. They were supposed to select 12; but he had only about 7 there for awhile, and I think most of the time only about 5.

Mr. WELTY. Was this cases in the Federal courts?

Mr. FISHER. No; in the State courts; it was the trial of those men for murder, for the Centralia shooting.

Mr. RAKER. And the men that did this act assumed the status of a jury voluntarily, and then made a report as to their views, in reporting as to the evidence in the trial of the case?

Mr. FISHER. Yes, sir.

Mr. WELTY. It was not a regular jury then, was it?

Mr. FISHER. Not at all.

The CHAIRMAN. Was that the State labor council or the Seattle body?

Mr. FISHER. The central labor council.

Mr. RAKER. I understand the matter; but I wanted the witness to put it in the record, coming from that State, as he does, as to what was done.

The CHAIRMAN. It clearly appears that these men, sitting in the courtroom, made an informal report that these defendants should have been acquitted. That report was sent to the central labor bodies in the various towns and counties of the State; and the labor men who received that report either had to accept the report or get out of the central labor bodies.

Mr. WELTY. Well, that was not the legal jury that tried the murderers?

Mr. VAILE. No; not at all.

The CHAIRMAN. I want to ask you, Mr. Fisher, about the case of McGregor S. Ross, who seems to have been sent East for deportation last winter, and was either released outright or else released on a recognizance and returned to Seattle. Now, the report of Thomas M. Fisher, immigration inspector, undated, says:

This man entered the United States through the port of Blaine, Wash., within the past five years, from Canada, without inspection.

What does that mean?

Mr. FISHER. Well, that his entry was surreptitious; in other words, he smuggled over the line; he sneaked over the line.

The CHAIRMAN. How long after they get into the United States surreptitiously do they become entitled to remain in the United States?

Mr. FISHER. It is three years, on that ground, or five years, if they should hold that at the time he entered he was a person likely to become a public charge.

The CHAIRMAN. What was the charge at the time they tried to deport this man, if you remember?

Mr. FISHER. That he was a person who advocated and taught the unlawful destruction of property and the overthrow of the Government by force and violence; and also that he was a member of an organization teaching those doctrines.

The CHAIRMAN. That is, the I. W. W.?

Mr. FISHER. Yes, sir.

The CHAIRMAN. The report I referred to says:

After considering the testimony adduced in this case, I find that Ross S. McGregor is an alien—

Mr. FISHER. That should be McGregor S. Ross.

The CHAIRMAN. It appears here as Ross S. McGregor; but it goes on and says that this McGregor S. Ross—

entered the United States, through the port of Blaine, Wash., within the past five years, without inspection; that he was at that time a person likely to become a public charge; that he was also at that time a person affiliated with an organization which advocated and taught the unlawful destruction of property; that he has been found advocating and teaching the unlawful destruction of property subsequent to his entry to the United States by reason of his activity in, and the support he has given to, the I. W. W. organization and I therefore respectfully recommend that he be ordered deported to the country from whence he came, or of which he is a citizen or subject in conformity with law.

That report is signed by Thomas M. Fisher. Now, what happened to McGregor S. Ross after that?

Mr. FISHER. He was ordered deported to England. He was removed to Ellis Island for deportation. The next I heard of him he was back in Port Angeles, Wash., going stronger than ever. He is now in jail at Seattle.

The CHAIRMAN. On what charge?

Mr. FISHER. On the same charge, but on a new warrant.

The CHAIRMAN. A deportation warrant?

Mr. FISHER. Yes, sir.

Mr. SIEGEL. He has been an expense to the Government, then, of approximately \$1,000?

Mr. FISHER. I would not be able to estimate that at all; he was detained most of the year in 1918.

The CHAIRMAN. At this point I will insert in the record the report with regard to McGregor S. Ross, who is referred to in the report as Ross S. McGregor.

(The report referred to is as follows:)

DEPARTMENT OF LABOR,
IMMIGRATION SERVICE,
Seattle, Wash., December 29, 1919.

HON. ALBERT JOHNSON, M. C.,
Washington, D. C.

DEAR SIR: Receipt is hereby acknowledged of your telegram of this date asking for a digest of the case of M. S. Ross, alien I. W. W., who was ordered deported and conveyed to New York for deportation some time ago, and afterwards released from custody.

I inclose you herewith a copy of the summary and recommendation of the examining inspector, Thomas M. Fisher, which I believe will give you the information which you desire. If not, will state that the entire record is in the hands of the bureau at Washington.

Respectfully,

HENRY M. WHITE, *Commissioner*.

M'GREGOR S. ROSS—SUMMARY AND RECOMMENDATION.

As to this particular alien, the records show that he is a native of Scotland, 65 years of age; that he is an atheist and refused to be sworn; that he entered the United States within the last five years from Canada through the port of Blaine, Wash., without inspection; that he is a member of the I. W. W. organization, and has been such since July, 1906, being an organizer and delegate for the organization, and a delegate to their conventions. His duty as organizer and delegate was to initiate new members, collect funds for the support of the organization, distribute their literature, and, in fact, promote the interests of the organization and their interests wherever and whenever he could. Questioned concerning his beliefs in the teachings advocated by the organization, and he states that he believes in practically all the teachings set forth in their various literature. Since his arrest and detention he has been active for the organization, and has even gone so far as to initiate and collect money from men detained with him in the detention house. His attitude with reference to the war shows he, without question, is not with the United States. He states that it is immaterial to him who wins the war. This man has been a squatter on the sand spit at Port Angeles, Wash., for some little time. He has no money, no property, no one depending on him, and certainly is not very strong for work. He is a typical member of the migratory herd of which the organization is largely composed.

After considering the testimony adduced in this case, I find that McGregor S. Ross is an alien, a native of Scotland; that he entered the United States through the port of Blaine, Wash., within the past five years, without inspection; that he was at that time a person likely to become a public charge; that he was also

at that time a person affiliated with an organization which advocated and taught the unlawful destruction of property; that he has been found advocating and teaching the unlawful destruction of property subsequent to his entry to the United States by reason of his activity in, and the support he has given to, the I. W. W. organization, and I therefore respectfully recommend that he be ordered deported to the country whence he came or of which he is a citizen or subject in conformity with law.

THOS. M. FISHER,
Immigrant Inspector.

The CHAIRMAN. I would like to ask Mr. Blackwood a few questions along that line now. Please state for the record your full name, Mr. Blackwood.

STATEMENT OF MR. W. A. BLACKWOOD, FORMERLY CHIEF INVESTIGATOR FOR THE MINUTE MEN OF THE STATE OF WASHINGTON.

Mr. BLACKWOOD. W. A. Blackwood.

The CHAIRMAN. What is your present residence?

Mr. BLACKWOOD. Seattle, Wash.

Mr. SIEGEL. What is your occupation?

Mr. BLACKWOOD. My occupation at the time this occurred, concerning McGregor S. Ross, was chief investigator for the Minute Men of the State of Washington.

Mr. SIEGEL. What is it at the present time?

Mr. BLACKWOOD. At the present time I am doing some work for Mr. Johnson.

Mr. SIEGEL. Did you know this man Ross McGregor, or McGregor Ross, whatever his right name is?

Mr. BLACKWOOD. Yes; I knew him by that name; he was brought in under arrest by that name.

Mr. SIEGEL. He was brought in under arrest; and then you examined him at that time?

Mr. BLACKWOOD. I examined him.

Mr. WELTY. What was the date when you did that?

Mr. BLACKWOOD. I think it was about March 1, 1918.

Mr. SIEGEL. And in the course of that examination did he make any statements to you in regard to the actions of the I. W. W.?

Mr. BLACKWOOD. Yes.

Mr. SIEGEL. Just tell us what statements he made to you.

Mr. BLACKWOOD. In answer to an inquiry, Ross stated that there were, in the lumber industry, about 58,000 members of the I. W. W.; that they were growing by leaps and bounds in membership. Among other questions asked Ross was as to why the I. W. W. had decided, according to his own statements, not to destroy any more property, that is, burn up sawmills, set fire to timber, etc. He said that the occasion for arriving at that decision was the fact that the I. W. W. had concluded that they would soon be strong enough and powerful enough to take over the things that properly belonged to them; that is, meaning the natural resources, the banking houses, and institutions of commerce.

Mr. SIEGEL. Did he at any time say to you that he intended to do it by force, or that the I. W. W. intended to do it by force and violence?

Mr. BLACKWOOD. In reply to that question, put to Ross, I think he said he did not know.

Mr. VAILE. Did he say to you that they had theretofore at any time actually destroyed property or advocated the destruction of property?

Mr. BLACKWOOD. His answer implied that they had reversed a policy of destruction.

Mr. VAILE. And it implied, then, that there had been a policy of destruction?

Mr. BLACKWOOD. Yes.

Mr. SIEGEL. Well, was he afterwards taken into custody?

Mr. BLACKWOOD. Yes; he was taken into custody by the Immigration Service.

Mr. SIEGEL. Did you ever see him after that?

Mr. BLACKWOOD. No.

Mr. RAKER. What was his statement relative to the change in attitude, about burning sawmills, or burning timber and other property generally—was it to the effect that they were not doing it just then, but the policy was that they felt they were strong enough so that they would be able to take over and handle the whole thing?

Mr. BLACKWOOD. His answer was, "Why destroy the thing that belongs to us and that which we are going to take over soon?"

The CHAIRMAN. At this point, if there is no objection, I will ask that the clerk of the committee make another attempt to secure from the department the records in the Ross case, including his testimony out there, and the reason that he was released and sent back to the State of Washington.

Mr. WELTY. Before you take up another subject or another witness, Mr. Chairman, let me say that I think Judge Raker probably did not mean what he said, that the I. W. W. do not intend to destroy property, but to take it by force.

Mr. BLACKWOOD. They intend to take it; they always add force if necessary.

Mr. WHITE. Well, there is not any other way by which they could get it.

Mr. RAKER. Well, that is the reason I asked my question in that way. Everybody knows that people are not going to yield and let their property be taken away from them; and so, of course, it means force.

Mr. SIEGEL. Yes; it necessarily involves force.

The CHAIRMAN. I will now return to the examination of Mr. Fisher, and, in order to make the matter clear in the record, I will ask him this question: Is it your opinion, Mr. Fisher, that the Department of Justice raids, added to the fact that a great many people do not know that there is not a full court and jury trial in cases of deportation, have led to petitions and protests against deportation itself?

STATEMENT OF MR. THOMAS M. FISHER—Resumed.

Mr. FISHER. You are asking for my opinion now?

The CHAIRMAN. Yes.

Mr. FISHER. Well, I would think that that has caused these ideas, or these protests.

The CHAIRMAN. That is to say, the public generally has a very slight knowledge of the actual processes of deportation?

Mr. FISHER. Exactly.

Mr. RAKER. Well, is not this likewise true, that the public have been misinformed as to the charge, and as to the real character of the man that has been arrested, and also misinformed concerning proceedings had against him for deportation?

Mr. FISHER. I think in some instances that is true. Of course, in these cases in which these raids were made it was announced through the press that they were charged with being anarchists, and that it was a deportation proceeding.

Mr. RAKER. Well, that is true; but the public have not been informed as to the character of each individual who has thus been arrested?

Mr. FISHER. No; I think not—just simply as a whole.

Mr. RAKER. By way of illustration, I will say that the reason I am asking that is that in the case of those 249 persons who were deported the press stated that there was nothing against them; but when you get down to it, there is an individual record against each individual showing that he is of such a character that he should be deported; that he is an anarchist and believes in the destruction of the Government by force and violence, or he believes in sabotage—or whatever the charge in that individual case might be.

Mr. FISHER. There is an individual record in the case of every man held for deportation.

Mr. RAKER. Let me ask you this question, which I started to ask a moment ago: You said you had been unable to find these men that were boring the holes in the ships and attempting to destroy that property?

Mr. FISHER. Since Allen made his statement I have been unable to find them.

Mr. RAKER. From your investigation, what would you say as to the saving of expense to the Government as well as giving an opportunity to properly enforce our laws, if all of these aliens were required to register and to keep a registration certificate?

Mr. FISHER. I would think, if it could be worked out, that it would be the finest thing, not only from the standpoint of the Government in tracing and keeping track of aliens that are undesirable, but I think it would be a good idea for the aliens that are a credit to the country.

Mr. RAKER. In other words, it would protect the Government on the one hand and protect the individual on the other.

Mr. FISHER. Yes; protect the individual on the other.

Mr. RAKER. And also, in the case of this man that crossed the border surreptitiously, we would be in a position to apprehend him and deport him without very much trouble and expense?

Mr. FISHER. Yes, sir.

Mr. SIEGEL. What you are doing now in the department is that you take a man to Ellis Island and then release him and let him go back to where he was. How would a registration help out in that particular case? And that has cost the Government \$1,000 per man already.

Mr. RAKER. Well, it would help in all other cases; it would help in enforcing the law.

Mr. SIEGEL. The trouble in all of these cases that we have gone into is not with the law, but with the enforcement of the law.

The CHAIRMAN. Mr. Bonham is present. Please state for the record your full name, position, and residence.

STATEMENT OF MR. RAPHAEL P. BONHAM, INSPECTOR IN CHARGE OF THE DISTRICT OF OREGON, UNITED STATES IMMIGRATION SERVICE; HEADQUARTERS, PORTLAND, OREG.

Mr. BONHAM. My name is Raphael P. Bonham; I am the inspector in charge of the district in Oregon; I am in charge of the Immigration Service in the district of Oregon.

The CHAIRMAN. You came here with this last party of deportees, who were taken to Ellis Island?

Mr. BONHAM. I did.

The CHAIRMAN. You have heard this evidence that has been presented here this morning, have you?

Mr. BONHAM. I have.

The CHAIRMAN. Is there anything that you can add to it?

Mr. BONHAM. Well, the statements that Mr. Fisher has made are along the lines that I am familiar with, and I agree with them. I have been in the service 16 years, or ever since the Immigration Service was established as a separate service; and I have had considerable experience with the I. W. W.

All that Mr. Fisher has told you is correct. He has not told you all that could be told you on the subject, because it is a very big subject.

The CHAIRMAN. What efforts have you made to deport alien I. W. W.'s in your district?

Mr. BONHAM. My attitude, for which I am responsible in my district, has been this: To enforce all immigration laws, at all times, irrespective of whether the person involved was an aristocrat or a beggar or a banker or an I. W. W. I have declared that to be my policy; and I think it is the policy of the department, so far as I know, because they have generally sustained me. So that we have not neglected the enforcement of one phase of the law to devote our entire time to another particular phase of it.

Mr. RAKER. Right in that connection, have you had loyal and full and fair cooperation with the Department of Labor here in Washington?

Mr. BONHAM. I think that I have been unusually fortunate in that regard; they have not allowed any aliens that I have sent east to return to Oregon.

The CHAIRMAN. How many aliens have you sent east?

Mr. BONHAM. Well, we have sent a great many. I was chaffing Mr. Fisher coming across the continent, telling him that Portland continually, with the exception of that one carload, was putting on more aliens than his district was; this time we were only putting on one more, and that was not enough to crow over.

Mr. RAKER. How many were you bringing from Portland that time?

Mr. BONHAM. We were bringing four, and he had three.

Mr. VAILE. You cited, as an example of the loyal and energetic cooperation of the department, the fact that they have not allowed these deportees to return to Washington?

Mr. BONHAM. No; I said in my district—Oregon.

Mr. VAILE. Well, to return to Oregon.

The CHAIRMAN. Let us get that information complete for the record: For the fiscal year ending June 30, 1919, how many persons were deported from your district?

Mr. BONHAM. I can not give you those figures, because I am not a statistician, and I did not come here expecting to present those figures.

The CHAIRMAN. Well, have you deported up to that date any I. W. W.'s?

Mr. BONHAM. Yes, indeed. If you will permit me, I can tell you about one case that I think will be interesting to you, and it is a very important case; it is one that is now being written up and discussed in the law journals throughout the United States; it is the case of Neil Guiney v. Bonham. Neil Guiney is, or was, a member of the national executive committee of the I. W. W., and was sent to the Pacific coast by Mr. Haywood, to organize and to direct the lesser organizers on that coast.

We arrested him within a week after his arrival there, and questioned him, and gained an admission from him that he was a Canadian. We had plenty of literature to show that he was an I. W. W.; in fact, he had several steel trunks such as theatrical troupes carry their costumes in, which were full of their equipment.

The case was a very interesting one. He denied, as we expected him to deny, that he as the secretary of the timber workers' branch of the I. W. W. for Canada and the United States, which he claimed had a membership of 35,000, believed in the unlawful destruction of property; we did not expect him to admit that. I think it is foolish and peurile to expect those men to admit generally that they believe in the unlawful destruction of property. He would evade those questions, although he talked quite intelligently, and was a very bright fellow.

But we secured an order of deportation from the department here, our case resting largely on the admission from him that he had circulated, as the head of this branch of the I. W. W., the Joe Hill memorial edition of the I. W. W. Song Book, and that that song book contained a considerable number of songs which did teach the unlawful destruction of property.

And our case hinged on that one book; while there were other exhibits in the record, that was our main case; the case was built up around the circulation of that book. We secured an order of deportation; the department and the bureau gave us excellent support in that case. It was a close case.

And he had waived the right of counsel, and acted as his own counsel in the case.

Immediately after we had secured a warrant of deportation we took it up with the Dominion of Canada Government, as it is necessary to do in all those cases where a man is a Canadian, in order to

get the consent of the Canadian Government to his return to Canada. I might say that I think that, possibly, the release of some of these aliens during the war who had been ordered deported was because we could not arrange for their actual conveyance to the country to which they belonged; we could not execute our warrants. And we can not deliver a man to the Dominion of Canada, neither can the Dominion of Canada deliver an American, or an alleged American, until the respective Government has said that that man is a citizen of that country—or this country, as the case may be—and has issued an official document which, when presented to the proper officers, authorizes that man to cross the border, either to this country or to Canada.

So that we found ourselves in this situation in the Guiney case, that he verbally committed patricide, and fratricide, and, in fact, assassinated all his relatives, claiming that his father and mother were dead, and his brothers and sisters were dead. He claimed that he had only one brother; and that he did not know what had become of him; that his brother had joined the Army, and that he did not know what had become of him. But we, fortunately, secured his questionnaire, and through that we got a little data on his brother. And we persistently took the matter up with the Dominion Government. We almost despaired, however, of being able to establish to the satisfaction of the Dominion Government his citizenship of that country; and if we could not do that, it would simply have been necessary to turn him loose eventually.

And at that juncture, Mr. Vandever, who is the chief counsel for the I. W. W., appeared and said that he was going to sue out a writ of habeas corpus. And I suggested to Mr. Vandever that if he would wait a fortnight, or approximately that time—that we had about despaired of being able to deport Mr. Guiney; and under those circumstances we could not imprison him for life under deportation proceedings, and we would be ready to release him in a short time.

I think this is interesting, because Mr. Vandever is the chief counsel for the I. W. W. in the United States. He defended Haywood in Chicago. I have been told that he is under a salary of \$12,000 a year, traveling expenses, and \$5 a day living expenses when he is away from his headquarters in Seattle.

When I intimated that to Mr. Vandever, he said that \$12,000 was putting it a little high; but I assume that that is approximately correct. And it is the highly paid, skillful attorneys of this kind that we have to combat in cases of this kind. I think that is a matter of interest to you.

MR. SIEGEL. Does not the United States attorney in your district represent you in these cases?

MR. BONHAM. He has nothing to do with the hearing in the deportation proceedings; he only represents us in the habeas corpus proceedings.

MR. RAKER. You understand that the district attorney has to do all of the work when there is a writ of habeas corpus brought?

MR. WELTY. I tried to get a bill to that effect through Congress, that the Attorney General and district attorneys should perform some of those duties.

MR. SIEGEL. They have their hands full.

Mr. KLECZKA. I suggest that we leave out all extraneous matters and let Mr. Bonham proceed with his statement.

Mr. BONHAM. I said to Mr. Vandever, "If you will wait a couple of weeks, we will probably turn this man loose, and that will save him trouble and save us trouble." If you will look at that picture of Mr. Vandever [indicating], you will get an idea of the way he looked when he said this—he said it with a sneer, or a curling of his lip—that he wanted the Government to know that when we arrested an I. W. W. we had a fight to the finish on our hands. And he said, "I am going into the courts on this case, because I want to humiliate"—now I will not swear whether he said the Government of the United States or the Department of Labor, but you can understand what he meant.

The CHAIRMAN. Well, he has said that about the Government over and over again.

Mr. BONHAM. Yes; and I said, "Mr. Vandever, that is a matter that is within your own discretion." And so he went into the courts of Oregon with his petition for a writ of habeas corpus. It happens that my brother-in-law is United States attorney for the district of Oregon, and we have very similar opinions about Mr. Vandever; and he was beaten in this petition——

Mr. RAKER. Do you mean Vandever was beaten?

Mr. BONHAM. Yes; Mr. Vandever was beaten. The United States court held that there was sufficient evidence; that the circulation of this song book, which contained songs which taught the unlawful destruction of property, was sufficient; and that the executive branch of the Government, or the Immigration Service, in this instance, was the judge of the facts, and that there were sufficient facts there.

Mr. VAILE. That was in the United States district court?

Mr. BONHAM. That was in the United States district court of Oregon. Judge Wolverton held that.

Mr. VAILE. Is that case reported?

Mr. BONHAM. It is; and it is now being discussed in the law journals of the country; because it is quite important.

Then Mr. Vandever applied to Judge Wolverton for release on bond of his client. Up to that time we had been willing, and would have been glad, to agree to that to save expenses; because that was a very serious consideration with us on account of the condition of our appropriation; we would have agreed to release Guiney on bond. We thought he was a dangerous radical; but we felt that we had only so much cloth to cut, and if we had to feed him in jail we would have so much less money; and so we were ready to release him on bond.

When the judge denied him the writ was the first time that they asked for a bond; they went to the United States court and asked for a bond; and Judge Wolverton heard the case and said, in effect: "Since I have remanded the man to the immigration officers, and have held that their custody of him was proper, you can see them about a bond."

And Mr. Vandever came to my office. In the meantime I had seen the United States district attorney and had telegraphed to Washington, suggesting that the United States attorney's office and my office were in accord in believing that this man was an exceptionally dan-

gerous alien and should not be released under bond, since he had been ordered deported under the laws. And so when Mr. Vandever showed up at my office I reminded him politely that he had decided that this was to be a fight to the finish, and that I would not disappoint him, and that I had recommended to the department that this man be held without bond.

And Mr. Vandever laughed and talked about how easy it would be to overthrow us on that contention; and he went back to the court. Judge Wolverton had left on his vacation, and another United States judge in that same district was sitting; and that judge decided that Mr. Vandever would have to wait and present his application to the judge who heard the case; and when Judge Wolverton returned from his vacation Mr. Vandever came down again from Seattle to Portland and presented the application to Judge Wolverton; and Judge Wolverton held that, while it was discretionary with him he would, in effect, let our discretion be his, and he would not release the man.

Then Mr. Vandever, in September, went before the United States circuit court of appeals, which met in Portland, with the same request for release under bond.

I should say, however, that in the meantime we had, to our surprise and delight, secured from Canada a consent to Guiney's return there; they had located his people, who were very much alive; and the only delay in conveying him across the line was this writ of habeas corpus which was under appeal.

And the circuit court of appeals held that, since the case was coming up on appeal to them about six weeks later, or in October, and since he had been in jail that long, they would allow him to remain in jail, in custody, and would not pass on the bond question until the case on appeal was heard.

Mr. Vandever went out of the court room muttering under his breath that they were a bunch of pinheads and did not know any law, and all that sort of things—of course, not so loud that they could hear him. But that has been his attitude all along.

In October the United States circuit court of appeals sustained the lower court in the Guiney case, and after the mandate reached me I had the pleasure of escorting Guiney to the Canadian line.

Mr. SIEGEL. He is out of the country now, then?

Mr. BONHAM. He is out of the country now. That is a test case on the I. W. W., and I think that will be so considered throughout the country.

Mr. SIEGEL. Have you a copy of that book, the so-called I. W. W. Song Book?

Mr. BONHAM. I presume I have at home. I want to say this, however, that every prosecuting attorney who has had an I. W. W. case in Oregon—and a lot of those on the other side of the Columbia River, in Washington—have called at my office for exhibits and documents that were used in that case; so that I have almost exhausted my supply, and can not say positively what I have on hand now.

Mr. WILSON. Mr. Chairman, have we a copy of that book?

The CHAIRMAN. Yes.

Mr. BONHAM. The brief in the Guiney case, in the circuit court of appeals, I have forwarded to the bureau; and I think you would find that very interesting.

The CHAIRMAN. We will endeavor to secure the brief.

Mr. BONHAM. And at the same time Judge Wolverton delivered an exceedingly interesting opinion in the case of the United States *v.* Carl Swelgin, which I would suggest that the committee secure.

The CHAIRMAN. I believe that is already in our records.

Mr. BONHAM. He held that at the time Carl Swelgin was naturalized, in 1913, inasmuch as he was a member of the I. W. W., was not attached to the principles of the Constitution of the United States as he claimed to be in his petition, and therefore the judge canceled the naturalization papers, and automatically that caused his original German citizenship to be restored, and we were able to return Swelgin. Mr. Swelgin had assumed that he was safe from deportation. He was very active in that organization, and he said that we could not return him. Some of the documents that were introduced in that case I had purchased myself in the I. W. W. hall. They were introduced as an exhibit showing the character of the I. W. W. in 1913, when this man was an organizer for it and when he was naturalized.

The CHAIRMAN. This man that you have last named was interned as an alien enemy during the war, was he not? What has become of him?

Mr. BONHAM. I can only say that in submitting this file to the department I made a recommendation that he be deported in an effective way by an order from Washington; that the department issue an order for his arrest the moment he was released from internment with a view to his deportation. I do not know anything about whether that was done or not.

The CHAIRMAN. One other thing in that connection, this man Guiney told you that his relatives were dead; he lied to you?

Mr. BONHAM. Yes.

The CHAIRMAN. As a matter of fact, the members of the I. W. W. are in an agreement to perjure themselves whenever they deem it necessary, are they not?

Mr. BONHAM. I would assume so from their general practice.

Mr. WELTY. You say that this man Guiney is now in Canada?

Mr. BONHAM. I think he is; we put him there.

Mr. WELTY. How was he delivered to the authorities in Canada?

Mr. BONHAM. I notified Mr. Joliffe, who is the head of the service of the Canadian Government on the Pacific coast, that he was coming; and he had a representative to meet Guiney; and his instructions were that Guiney was to report to him at certain intervals; and that he was to be kept under surveillance.

Mr. WELTY. By the Canadian authorities?

Mr. BONHAM. Yes.

Mr. WELTY. You do not know whether he is still there or is in this country now?

Mr. BONHAM. It would be impossible for any man to know that; that is, unless his sole duty was to watch Guiney and do nothing else.

Mr. WELTY. He was not placed under bonds?

Mr. BONHAM. Not that I know of.

Mr. WELTY. Or put under any confinement?

Mr. BONHAM. Not any confinement; no.

The CHAIRMAN. Let me ask you this: Do you know of any I. W. W.'s who are citizens of this country who have been returned to us from Canada?

Mr. BONHAM. I do not, Mr. Chairman.

Mr. VAILE. What is to prevent Mr. Guiney from coming in under the name of Smith, or any other assumed name?

Mr. BONHAM. I discussed that with Mr. Guiney; and I told him I would be very much delighted to find him here; so that we might prosecute him for returning; and he said that he had concluded the Government was a little bigger than the I. W. W. after all; and that he was so well known within the organization, and by a certain element outside the organization, that if he did come back he felt sure that there would be someone somewhere that would recognize and would "squeal" on him. He said, "The world is big, and there is a fine field elsewhere; so that I think it will be better for my health for me to confine my activities outside of the United States."

Mr. VAILE. How would he be identified—by his picture?

Mr. BONHAM. I had him photographed and his thumb prints taken.

You spoke of cooperation. We have a very good arrangement with the police department of Portland, whereby they take any man's photograph that we place there; they furnish us with any number of copies that we want; and take the thumb prints of the men, and their entire Bertillon record, and do not charge a cent for it.

Mr. RAKER. That is very interesting; it gives you a good record of these people.

Mr. BONHAM. Yes, sir.

Mr. WELTY. Has not the United States a fertile island somewhere where all of those people who do not believe in the Government, and who oppose it, can be sent and allowed to set up a government of their own.

Mr. BONHAM. Why do you say "a fertile island?" [Laughter.]

Mr. WELTY. Well, we would not want to have them come back here.

The CHAIRMAN. You spoke of cooperation with the department. That means that when you deal with the officers here in Washington—you are the chief officer in the Portland district?

Mr. BONHAM. Yes, sir.

The CHAIRMAN. And you deal directly with the Commissioner General of Immigration?

Mr. BONHAM. Yes, sir.

The CHAIRMAN. That is as far as your authority goes?

Mr. BONHAM. Yes, sir.

The CHAIRMAN. Whatever troubles might develop between the commissioner general and the Secretary of Labor is beyond you and not known to you?

Mr. BONHAM. Well, sometimes they are. I do not know whether you would be interested in this; but on one occasion I became what some might term insubordinate; I was instructed to turn three people loose.

The CHAIRMAN. Instructed by whom?

Mr. BONHAM. Well, it was the order of the Secretary, concurred in by the commissioner general, I think. I had arrested two Chinese prostitutes, and their procurer, and had established what I

thought was a remarkably conclusive case against them. In fact, it was one of the strongest cases of that character that had ever gone in, because a Chinese prostitute usually confines herself to Oriental patrons, and it is difficult to get the evidence. This was, however, a surprisingly strong case. And the Chinese had told me that they had \$5,000, which they were willing to spend with an attorney, or in any way which would cause the release of those women; they are worth about \$3,000 apiece, I think; a prostitute in good condition is worth about \$3,000, I think, with these tongs.

I was very much chagrined when I received this communication directing me to turn them loose. I was nonplussed by it, because I thought the evidence was conclusive. And so I wrote to the bureau, which was my means of reaching the department; I did not know where this trouble had arisen or who was responsible. And I said that my conscience would not permit me to carry out their instructions without making this one appeal for a reconsideration. I said that I did not want to be considered guilty of effrontery or insubordination, but that these people were at large under bond, and I did not think they would suffer any great hardship by my handling it in that manner; and I said that their character was so well known in the vicinity where they were arrested that I felt that the integrity of the service would be injured and our integrity would be injured if we set them loose, because the Chinese are always willing to pay well in those cases.

And I said that if there was some amendment in the law that I did not know about I wanted to know about it; or if the department had adopted some new policy I did not want to fall into the same error again; I wanted to know about it.

And then I found that the Bureau of Immigration had sustained me, but that the department had ordered their release.

MR. BOX. Who represented the department in that order, do you know?

MR. BOHAM. I am not positive; but Assistant Secretary Post wrote the letter in reply to mine. The bureau, in transmitting this, said:

We have very little more to say, and there is very little more we can say, since we sustained the inspector in his original recommendation.

MR. RAKER. In speaking of the bureau, you are speaking of the Commissioner General of Immigration?

MR. BONHAM. Yes, sir. And so Assistant Secretary Post replied that I was not to be considered guilty of effrontery or insubordination, but, on the other hand, was to be commended for my standing for what I so firmly believed to be right, and that the cases were to be reopened and further evidence heard.

MR. SIEGEL. Were the cases reopened?

MR. BONHAM. That order, of course, was followed, and further testimony was taken, which, added to the already strong testimony, caused the department to order them all deported. They spent about \$3,000 fighting the case in the courts. They had, all told, I think, about five different attorneys; and the courts sustained our case all the way through; and they are now in China.

You asked me whether my dealings were exclusively with the bureau; and so I say that in that instance I did the unusual thing and did not follow instructions.

Mr. RAKER. Let me ask you the name of that case, so that we may have it in the record?

Mr. BONHAM. It was the case of Day Gim, Chan Shee, and Louie On.

Mr. RAKER. From Portland, Oreg. About what year was that?

Mr. BONHAM. I think the arrests were made in 1918; they were finally deported in 1919; the deportations were delayed by the proceedings in which they asked for habeas corpus.

Mr. RAKER. I ask, Mr. Chairman, for the admission into the record of this case and this correspondence, in order that we may have an opportunity to go into it further, and that we may have further witnesses from the department, if deemed desirable.

The CHAIRMAN. Without objection, we will ask for these records.

Mr. BOX. May I ask a question? Do you have any information about how your original order came to be reversed?

Mr. BONHAM. There is a memorandum in the file which gave some inkling of that.

Mr. BOX. Did somebody outside interfere and bring influence to bear?

Mr. BONHAM. No; I do not think so. I think that, on the theory—perhaps I would not be right in that; but I gained the impression, somehow, that, on the theory that some men that would become patrons of Chinese prostitutes, must necessarily be so low that their testimony would not be of much value. And they had a lawyer of considerable skill, an ex-United States district attorney, who made it appear that this was due to excitement; that there had been some tong murders in that vicinity; that a white woman had been accidentally shot in the fracas; and that the people of the town had risen up and demanded that the Chinese all be expelled from the town—all of which was true. And for that reason he argued that this was a part of that mob psychology which had caused these witnesses to come in and exaggerate what they knew, with a view of carrying out their avowed purpose in the community, of expelling all the Chinese.

Mr. RAKER. In that connection, in addition to these two Chinese prostitutes, did you apprehend anybody other than these two Chinese women?

Mr. BONHAM. We apprehended these two Chinese women and the procurer.

Mr. RAKER. I am talking about the prostitutes. Did you get any other prostitutes than the Chinese women at the time you made the raid?

Mr. BONHAM. No; that is all the Chinese prostitutes that there were in the city.

Mr. RAKER. Were there no other alien prostitutes?

Mr. BONHAM. No; the alien prostitutes had been driven out before that.

Mr. RAKER. How long before that were the alien prostitutes driven out?

Mr. BONHAM. Well, that is a city several hundred miles in the interior, away from my official station, and I can only approximate it; I should say three or four years prior to that time.

Mr. RAKER. What town was this?

Mr. BONHAM. La Grande, Oreg.

Mr. WELTY. May I ask a question? Are you through, Mr. Raker?

Mr. RAKER. Yes.

Mr. WELTY. Under the law a Chinaman is subject to deportation if he does not have in his possession a certificate showing that he was born in this country; is that correct?

Mr. BONHAM. No, sir; in 1893 or 1894 Congress passed a law requiring all Chinese laborers within the United States to register.

Mr. WELTY. Well, then, they had to have a registration card on their persons?

Mr. BONHAM. Well, they had at first; that is, they all had to have proper credentials. We deported them not under the Chinese-exclusion law and not because they were Chinese, but because the women were prostitutes and the man was a pimp.

Mr. RAKER. And they were aliens?

Mr. BONHAM. Yes.

Mr. WELTY. Were they born in this country?

Mr. BONHAM. No; we could not have deported them if they were.

Mr. WELTY. That is what I thought.

Mr. BONHAM. But the man had been here 25 years.

Mr. WELTY. But a Chinaman is supposed to have his registration card with him, is he not?

Mr. BONHAM. Yes; he is supposed to.

Mr. WELTY. And he is subject to deportation if he does not have it?

Mr. BONHAM. Unless he can prove that he was unavoidably prevented by sickness or some other valid cause from registering, or unless he can prove that he was a merchant at the time registration was required. Merchants were not required to register under the law.

Mr. WELTY. That law was passed in 1893?

Mr. BONHAM. Yes, sir.

Mr. WELTY. Are any other nationalities required to register?

Mr. BONHAM. No.

Mr. WELTY. The Japanese are not required to register?

Mr. BONHAM. No.

Mr. RAKER. Let me ask you, in this connection, a question that I had not quite completed before: If your department has made any effort, or is making any effort, to ascertain what becomes of the Japanese that come to your part of the State, or to Seattle, after they go to school a while—say a week or two, or a month or two, or six months?

Mr. BONHAM. I am not well informed on that. We have not come in contact, in the Oregon district, with any number of those cases.

The CHAIRMAN. Let me ask you this: I am not quite clear as to this point: Is the Oregon district a separate commissioner's district?

Mr. BONHAM. It is. I am a civil-service man, but I have the same authority as the commissioner at Seattle, or as the commissioner at San Francisco, reporting direct to Washington. But they are appointed by the President and confirmed by the Senate.

The CHAIRMAN. Their title is commissioner of immigration for that particular district?

Mr. BONHAM. Yes.

The CHAIRMAN. And your title is what?

Mr. BONHAM. Inspector in charge.

Mr. RAKER. Now, going back to the Bureau of Immigration and the Department of Labor. You have described this Chinese case. Now, so far as your applications are concerned, and your questions and arrests and deportations, your office has been in harmony with the bureau and with the Department of Labor?

Mr. BONHAM. We have won virtually all the cases in which we have recommended deportation. And, as I said before, we have been rather flattered, and from what I hear from other districts, I think we have been rather fortunate.

The CHAIRMAN. Let me ask you at this point, were there any raids made by the Department of Justice in the Oregon district?

Mr. BONHAM. Yes, sir; in the very early part of January they made raids and arrested a considerable number of the Communist Labor Party. I think that they have secured warrants of arrest and secured the deportation of 17 or 18 members of the Communist Labor Party.

The CHAIRMAN. When these raids were made, where were the majority of them taken?

Mr. BONHAM. The majority of them were taken in their hall.

The CHAIRMAN. Where were they placed in confinement, or under arrest?

Mr. BONHAM. They were taken down to jail, and my deputies, and the inspectors there—I was not there at the time—were notified; and they took the stenographic help that we have and went down there; and with the Department of Justice agents they combed through the entire number that they got—50 or 60, if I remember correctly.

The CHAIRMAN. And how many did you hold for deportation?

Mr. BONHAM. I think about 14, approximately, and then some were held for the State. The day that I left Portland, or last Saturday week, the jury brought in a verdict convicting three of these Communist Labor members of violation of the criminal syndicalism act of Oregon; and one of those three is an alien for whom we have a warrant of arrest, and to whom we planned giving a hearing; we considered that to be one of our weakest cases; and we were awaiting the result of this court action, because we thought if we could get a conviction there it would strengthen our case. I think the man's mind is rather weak.

Mr. KLECZKA. What will probably become of him? Will he serve his sentence or be deported?

Mr. BONHAM. He will probably serve his sentence, or the larger part of it. A short time ago the warden of the penitentiary asked me to deport two Russians who had been sentenced to life imprisonment; he said he would like to get rid of them.

I replied to him that I thought it would be a serious blunder to give an alien the impression that he could, with impunity, commit murder, or other heinous crime in this country, and then, if he was convicted, be turned over to the immigration authorities, with the suggestion that he be given a free passage home.

The CHAIRMAN. You are entirely right as to that.

Mr. RAKER. Yes; you are dead right there. In connection with the cases you have just referred to, what became of those that you did hold?

Mr. BONHAM. The records of nearly all of them are still before the department; a number of them are still confined in jail; a number of them are out on bond.

Mr. RAKER. Awaiting the final action of the department?

Mr. BONHAM. Awaiting the final action of the department; yes.

Mr. RAKER. And how long has it been since your office made its final conclusion and sent the papers to Washington?

Mr. BONHAM. That would vary; some of the papers were only recently forwarded; some of them were forwarded this month; and I do not think any of them were forwarded until last month. We had to await certain exhibits that the Department of Justice was securing to show the revolutionary character of the party itself. When those documents came in we proceeded with our hearings and introduced them as exhibits.

Mr. RAKER. Then the cases have not been pending any considerable length of time, and there has been no unnecessary delays?

Mr. BONHAM. No unavoidable delay, so far as those communistic cases are concerned.

Mr. RAKER. Now, will you explain to the committee the theory upon which these communists, or anarchists, or people who believe in the destruction of this Government by force and violence, or who believe in sabotage, or in the killing of our officers merely because they are the officers of the Government, are admitted to bail, after you have arrested them and concluded that they should be deported?

Mr. BONHAM. Do you want my opinion?

Mr. RAKER. Yes; how do they get out on bail? Do you turn them loose, so that they can continue their nefarious work?

Mr. BONHAM. Well, Guiney was not turned loose.

Mr. RAKER. Well, leaving out the case of Guiney—take the other cases that you have had out there: Upon what theory, and upon whose order, were those people released upon bail?

Mr. BONHAM. When the department issues its warrant, authorizing us to take the man into custody, it carries with it an authorization to release the alien on a stated bond, and often—the fact is, in many cases, that we recommend to the bureau, the men in the field who are in personal contact with the alien, and who are the only ones who can know his character, and even we can not always know it—we recommend in our telegram to Washington when we are asking for a warrant—or in our letter if the man is in custody of some State authority and being held in that way; and there is plenty of time; we will send it by mail in that case, or, if it is a rush case, we will send it by night letter; and the next day we usually get a telegram from the department, which is later confirmed by a formal written warrant sent by mail; that carries with it an authorization for the alien's release, pending the hearing—and we have recommended the amount of bonds in a few of these cases; I think in four of them we recommended to the bureau that the bonds be fixed at \$10,000 each, and that was done. That was largely, or partially, on the urgent insistence and recommendation of the Department of Justice.

Mr. RAKER. That they be admitted to bail?

Mr. BONHAM. No; that the bail be fixed at that amount, which would be tantamount to their being kept in custody, because they could not furnish that amount of bail.

Mr. RAKER. What I am trying to get at is, suppose a man is taken up as being a leper, or as having a contagious disease, you would not admit him on bail pending a final determination. Now, these people who are being arrested for advocating the destroying of property, and the assassination of public officials—I can not quite get the idea yet, as to why you should permit them to be turned loose on bail and to continue the criminal practices for which they have been arrested.

Mr. BONHAM. We have tried to do that. In cases where they are particularly vicious, we have tried to fix their bail so high that they would be detained because they could not get it. But we have had sometimes as many as 30 or 40 aliens in jail at the same time, holding them there for months; and the gentlemen in Congress have not given us enough money to feed them on; and so it has been almost necessary at times to release them on bond; and sometimes we have had to do that with aliens that we did not want to release.

Mr. RAKER. Because of the lack of a sufficient appropriation to provide for the feeding and care of aliens who are trying to overthrow this Government you have to let some of them go in that way?

Mr. BONHAM. Yes.

Mr. SWOPE. Let me ask you one question: Could you state approximately how many aliens you forwarded to Ellis Island in 1919 for deportation?

Mr. BONHAM. I can not give you those figures.

Mr. SWOPE. Well, approximately; were there 100 of them, or 75, or 25 or what number?

Mr. BONHAM. No; not as many as that. You see, we have met this difficulty, that until right now, we have been unable to deport any to Germany; we have been unable to deport any to Austria; we are still unable to deport any to Finland or to Russia.

Mr. SWOPE. My question was, how many have you sent to foreign countries?

Mr. BONHAM. I do not know.

Mr. KLECZKA. That is shown in the report of the Commissioner General of Immigration.

Mr. SWOPE. I thought Mr. Bonham would have the information at hand.

The CHAIRMAN. The total deportations in that year were 690; those were the deportations of all kinds; the deportation of anarchists was practically nil.

Mr. BONHAM. I have here a memorial that was passed by the joint session of the Oregon Legislature, without a dissenting vote, memorializing Congress to pass certain legislation, and also, as it says here, particularly asking Congress "To make the sufficient appropriation of those very necessary funds required to vitalize and make effective the execution of the said immigration laws now in force and to be enacted."

I just mention that to show the committee the state of public opinion in Oregon.

The CHAIRMAN. The memorial of the Oregon Legislature will be inserted in the record at this point.

(The memorial referred to is as follows.)

[Oregon Legislative Assembly, special session, 1920. House joint memorial No. 5. Introduced by Mr. Lewis and Mr. Kubli and read first time January 12, 1920.]

The honorable Senate and House of Representatives in Congress of the United States assembled:

Whereas the people of the State of Oregon believe in an adequate and efficient enforcement of the immigration laws now on the statute books, and the enactment of such additional legislation as may be necessary to bring about the effective exclusion of, and also the deportation from the United State of undesirable aliens, particularly those who are unattached to American ideals and who seek by violent and unlawful means to undermine or overthrow our Government; and

Whereas the United States Immigration Service, through the collection of head tax, imposed upon aliens entering the United States, has caused to be collected and turned into the United States Treasury millions of dollars in excess of the cost of the maintenance and operation of said service; and

Whereas the Congress of the United States has not yet made an adequate appropriation for the said United States Immigration Service to permit of a full and adequate scrutiny of those aliens seeking admission into the United States, and the comprehensive inspection, apprehension and deportation of those undesirable aliens already within our country unlawfully, and here to our country's detriment: Now, therefore, be it

Resolved, by the Legislative Assembly of the State of Oregon in special session assembled, We do hereby petition and earnestly pray the honorable Congress of the United States for the passage of such legislation as may be necessary to effectually expel and keep out undesirable and disloyal aliens and particularly to make the sufficient appropriation of those very necessary funds required to vitalize and make effective the execution of the said immigration laws now in force and to be enacted. Be it further

Resolved, That a copy of this memorial be forwarded by the secretary of state of the State of Oregon to the Senate of the United States, and that copies of this memorial be forwarded by the secretary of state of the State of Oregon to the House of Representatives of the United States, and that copies thereof be transmitted by the secretary of state of the State of Oregon to the Senators and Representatives in Congress of the State of Oregon with the request that they use every effort within their power to bring about an accomplishment of the ends and purposes herein indicated.

(Passed both houses without a dissenting vote.)

Mr. RAKER. Let me ask you this question: If, as a matter of fact, your office at Portland has been hampered owing to the lack of clerical assistance and stenographic assistance?

Mr. BONHAM. In these cases of which I have been speaking we had to appeal to the Bureau of Immigration for help; we simply could not proceed; we were like soldiers without guns or without ammunition; and the Bureau of Immigration, I presume, had no funds sufficient to authorize further help, and they called on the Department of Justice, or at least, the Department of Justice employed with their funds stenographic help and detailed them to my office, so that we might proceed with our crusade. It was an embarrassing, improper arrangement.

Mr. RAKER. What has been the effect of the lack of sufficient legal assistance in your department in Portland, Oreg., if there was such a lack, on this kind of work?

Mr. BONHAM. In my district, there is no complaint on that score.

Mr. RAKER. No complaint, for what reason? What do you do to get assistance?

Mr. BONHAM. The United States attorney's office has always been ready to assist us. I have been in the service 16 years and all of that time in Oregon, and in the various administrations we have been in personal as well as official contact with these officers and we have had splendid cooperation.

Mr. RAKER. Exactly. So that, as a matter of fact, the Immigration Service has not the legal corps of assistants for this work; you appeal to the Department of Justice, or to the United States attorney's office, and have been able through that office to obtain valuable and efficient assistance.

Mr. BONHAM. We cut out a great deal of red tape; we walk over to their office, or they walk over to our office, and we take the cause up with them, and it is handled immediately.

Mr. RAKER. Right in that connection, while you are doing that, the district attorney or the assistant district attorney, and yourself, are putting yourselves in touch with a like character of work throughout the United States, so as to put you in a position to do more and better work in your own district, is that not true?

Mr. BONHAM. Yes, sir; that is very true.

The CHAIRMAN. Let me ask you a question: If you had a certain number of persons arrested under deportation warrants, you could find a way to feed them while they were in jail, whether the funds were immediately available or not, could you not?

Mr. BONHAM. The Government's credit is good, of course.

The CHAIRMAN. And you would have the right to send those expense items in, to be presented in a deficiency bill to Congress, would you not?

Mr. BONHAM. Yes, sir; but with the bureau feeling of giving the impression that they were working on a deficit, it is rather difficult. I will illustrate that, by showing how it would apply to myself.

When I am in debt—as I usually am—I hesitate to incur additional debts, and I do not do things that I would like to do on that account.

Mr. SIEGEL. This last part of the troubles of the bureau is caused by defective bookkeeping.

Mr. BONHAM. I have no brief for them, of course.

The CHAIRMAN. When the Department of Justice began to make a large number of raids and turned the aliens over to your service, they not only congested and overloaded the Immigration Service in your district but everywhere else?

Mr. BONHAM. That is true; yes, sir.

Mr. RAKER. Right in that connection—this question may be embarrassing to you or may not be—are there any particular efforts on the part of outsiders to interfere and to make personal demands and requests that certain individuals be turned loose before you finally dispose of the case?

Mr. BONHAM. Yes; there always are and always will be. There were requests on the ground that the alien happens to belong to their church, or that he happens to belong to their party—that is, that would be the underground reason—or that the alien is a particular friend of theirs. I have had quite a number of that kind of cases.

The CHAIRMAN. Now, further, all international radicals who are citizens of the United States are vitally concerned in the deportation of the radicals who are not citizens, and therefore they appeal to you directly, do they not?

Mr. BONHAM. Well, they do not appeal to me so much, because I have been there so long that they rather know me; that is, they do not come in and make personal appeals. Sometimes they come in

and want to know about the record of a man, so that they can go down to the labor council and pass resolutions after examining the records about some of those men. That document that you read a while ago, Mr. Chairman, was passed in that way.

I had a case that involved a Canadian that I was trying to deport. And a very prominent local official—not a Federal official—gave a letter, which went into the record, introduced by the attorney for the alien, saying what a pity it was to deport this man; saying that he had been overseas, and that he was a valuable acquisition to the community. That official never consulted me. As a matter of fact, this Canadian had a record as being a horse thief before he came into the United States, so he was a criminal at the time of his entry and as such was prohibited from coming into the United States under the law.

I cite that case to show you that even men of standing and good education will be careless sometimes. So that when these ignorant aliens get up and pass these resolutions saying that we are acting too severely in those cases, they are, perhaps, to be somewhat excused.

The CHAIRMAN. I see your point.

Mr. BONHAM. But when these people come into my office and ask me to go over the case with them, I am always willing to do it; and I think that is true in all of the districts, when the Government's case has gone so far that it will not be jeopardized by showing the papers to persons interested; and I think that you can satisfy any reasonable man that the Government is proceeding in a fair and legal and legitimate manner in that way.

Mr. RAKER. Well, there could have been something said as to the case of this Canadian, and the public could have been made familiar with that alone, or been made familiar with the fact that the man was a horse thief and a criminal, and as such not even entitled to admission to the United States, so as to show them the character of the men that you were trying to deport. Would that not have had a good effect on public sentiment?

Mr. BONHAM. Without attempting to answer that question, I would say that the press of Oregon has been uniformly fair to us; the press of Oregon has been very fair. Sometimes the part of the press that is not in accord with the administration has said rather unkind things about the administration at Washington; but they have been rather kind to the local officers.

Mr. SIEGEL. In other words, they would differentiate?

Mr. WELTY. Have you found any Japanese in this country in violation of the so-called "gentlemen's agreement"?

Mr. BONHAM. We deport every Japanese that we can find here unlawfully. I think it was in 1918 that we had approximately 11 Japanese desert from ships in an Oregon port, with the intention of remaining in this country; and I think we caught and deported 7, and possibly 9 of the deserters that year. We caught almost as many as escaped.

Mr. WELTY. When you say they were unlawfully here, do you mean that they were unlawfully here because they had violated the "gentlemen's agreement"?

Mr. BONHAM. They have violated that agreement and they have violated the general immigration law, in that they have entered the

United States without the inspection required and contemplated by the immigration laws.

Mr. WELTY. Yes; but you could not deport any Japanese who came here in violation of the "gentlemen's agreement," could you?

Mr. BONHAM. On that charge, I do not think we have any cases pending, or have had any recently; although the bureau has instructed us to lodge that charge whenever it was tenable; so that I assumed that it is a tenable charge.

Mr. RAKER. In other words, a Japanese landing in this country without a passport, if he is not a merchant or a student, or has come over here as the owner of land in this country, would have entered illegally and in violation of the agreement, and you would deport him?

Mr. BONHAM. The bureau would hold him; the question is how far he would get in the courts.

Mr. BOX. How would you show in the courts what the "gentlemen's agreement" is?

Mr. BONHAM. I never had to cross that bridge. I imagine we would get into some difficulty in trying to do that.

Mr. WELTY. A question was asked about releasing those people on bail; and some criticism was made against the department because some of those men were permitted to get out under bail. Is it not a fact that the Constitution specifically provides that excessive bail shall not be required?

Mr. BONHAM. But the Supreme Court of the United States has held that these constitutional provisions which protect the citizen of the United States or anyone else under a criminal charge do not prevail in immigration proceedings; and I think you will find that an alien has a very limited number of constitutional rights when he is here. He is here as our guest, as I might be in your household. Whenever I do not behave myself or conduct myself in the proper manner you have a right to request me to leave.

Mr. WELTY. Yes; but so far as the alien does not violate the law he can not be interfered with; is that right?

Mr. BONHAM. Yes, sir.

Mr. WELTY. As long as he behaves himself he can stay.

Mr. VAILE. Well, in addition to that, I would say, so long as he does not violate the law by coming into the country in violation of our rules of exclusion.

Mr. WELTY. Yes; if he violates the law.

Mr. VAILE. Well, he may become a public charge and not violate any law.

Mr. WELTY. Yes; he would be violating the immigration law.

Mr. SIEGEL. Well, a man or a woman might be in the United States two years and some months and get sick and be taken to a public hospital. To say that he entered in violation of the law because he thus became a public charge would not be correct.

Mr. BONHAM. That is true. But the law is that a man who becomes a public charge, unless he affirmatively establishes that the cause arose subsequently to his entry, can be deported. In the case you cite, I assume that the man would be able to establish that, and therefore would not be subject to deportation.

Mr. SIEGEL. Well, we are deporting people in that kind of cases all the time

Mr. BONHAM. I do not know about those cases.

Mr. RAKER. I want to ask you one question as to a matter that I tried to bring out before regarding the deportation of a Canadian who was afterwards discovered to be a citizen of another country. Did we have to get the consent of the government to which this man was deported to deport him to that country?

Mr. BONHAM. We have to get the consent of the Dominion Government before we can deport a man to Canada; and it is conversely true that the Dominion Government has to get our consent before they can expel an alleged American.

Mr. RAKER. What would you do with an alien who comes to Canada and lands there in accordance with their laws and then crosses the border into this country surreptitiously? Could you send him back to Canada?

Mr. BONHAM. We have had a great deal of difficulty in getting Canada to accept those people. We have been compelled to send them back to the country of their origin.

The CHAIRMAN. For instance, in this Ross case, the man was subject to be sent back to England as being the country of his origin.

Mr. RAKER. I want to bring out the control of the Canadian border is a very important thing, because the testimony shows that a man can get into this country from Canada. Now, if that man lands in Canada under their general laws and then can come into this country without very much trouble, we can not return him to Canada unless Canada consents.

Mr. BONHAM. That is correct.

Mr. SIEGEL. Well, as a matter of fact, you can not return them to European countries without the consent of those countries.

Mr. BONHAM. I returned a French prostitute to France; and a little over a month ago she landed at Montreal; and a little later she proceeded across the continent and tried to cross the border; and our officers were suspicious and they rejected her; and they communicated with me and asked of me if I knew that woman. I forwarded our file regarding her, and asked that they present our file to the Canadian immigration officials, which they did; and she was deported last month, or possibly this month, to France by the Canadian Government.

Mr. WELTY. In case Canada, or any other Government, deports our citizens from their country, what is the process here when they arrive in this country? What do we do with the undesirables?

Mr. RAKER. We have never had any.

Mr. BONHAM. I have never had any that came into my district that I know of.

Mr. SIEGEL. We had the case of Harry Thaw.

Mr. KLECZKA. Mr. Chairman, does the record show what this Union of Russian Workers is and what doctrines it advocates? Is that in the record?

The CHAIRMAN. I think it is in the record; at any rate, it is reported in the Department of Justice reports.

Mr. BONHAM. If I may be permitted, there is just one other thing I would like to say:

I have felt myself and the entire service too often to be in the predicament of a boy playing hide and seek, where I was continually "it"; that is the position we find ourselves in in regard to these

immigrants from Canada; if an alien tries to come in from Canada surreptitiously, without passing inspection, and he is not caught, he saves the \$8 head tax; if he is caught, he has nothing to lose except that he must pay the \$8 head tax; and in the latter case he may be returned to Canada and he may not.

We ought to have a law that would carry a penalty of fine or imprisonment, or both, in the case of any alien who enters the United States surreptitiously, in violation of the immigration laws, or after he has been refused admission, or after he has been deported—irrespective of whether he is an anarchist or a white slaver or what the reason was for his deportation.

Mr. WELTY. I think that is the law now.

Mr. BONHAM. No; that is not the law now except as to the anarchists and immoral aliens. It is a case of hide and seek.

Just the other day we caught a fellow in Portland that had been rejected four times and taken off the train. He was a fellow that was coming to Portland to look for a wife. We found that he had been to Portland before and had stopped at a certain hotel there, and when he was rejected four times up there on the border we went to this hotel and told the management that this man was evidently insane; he had never been found so by the courts, but his conduct indicated that he was, and we told them that we expected him to come to Portland, and that he would probably come to that same hotel; and we asked them to escort him to a room, but to telephone us as soon as they had done so. And that is what actually happened; within three days he arrived at that same hotel; they escorted him to his room, and telephoned us, and within 30 minutes we had him in custody.

Mr. WELTY. Do you mean to say that they can not be punished criminally for coming back to this country in such cases?

Mr. BONHAM. I do.

Mr. WELTY. Then it is certainly a case of hide and seek.

Mr. RAKER. Yes; and that has been the trouble all along; we ought to have a law with teeth in it to keep those people out.

(Thereupon, at 12.30 o'clock p. m., the committee adjourned until Wednesday, March 31, 1920, at 10.30 o'clock a. m.)

COMMITTEE ON IMMIGRATION AND NATURALIZATION,
HOUSE OF REPRESENTATIVES,
Washington, D. C., March 31, 1920.

The committee assembled at 10.45 o'clock a. m., Hon. Albert Johnson (chairman) presiding.

The CHAIRMAN. Mr. Thomas M. Fisher, the inspector of the Immigration Service at Seattle, is again present at our request. There are some questions the members of the committee desire to ask him.

Mr. Raphael P. Bonham, of the Portland office, is also present; and I. F. Wixon, assistant commissioner, United States Immigration Service, Montreal, Canada; and Mr. W. F. Sibrey, inspector in charge of the immigration office at Pittsburg, are also here. The committee will here all of these gentlemen.

Mr. Fisher, in interrogating you yesterday, I neglected to ask you with regard to the case of that Scotchman—what was his name?

Mr. FISHER. McGregor Ross is his correct name.

The CHAIRMAN. I neglected to ask you how he got back to Seattle; that is, after he was sent to New York last winter for deportation, how was his release effected—if you know.

ADDITIONAL STATEMENT OF MR. THOMAS M. FISHER, CHIEF INSPECTOR, UNITED STATES IMMIGRATION SERVICE, SEATTLE, WASH.

Mr. FISHER. I only know that we were not advised at that time of any action that had been taken toward his release; but he appeared shortly after he had been sent from Seattle to New York at Port Angeles, Wash., very active in behalf of the I. W. W. organization. He was arrested on a State charge of violating the criminal syndicalism act; and we wired a report to that effect to Washington, and were then advised that the original order of deportation was still in full force and effect, and that he had been released on his own recognizance at New York.

Mr. Box. What country was he a native of?

The CHAIRMAN. England. That is, when he was sent to New York for deportation last winter, after the armistice, for some reason, he was released on his own recognizance?

Mr. FISHER. Yes, sir.

The CHAIRMAN. And he returned at once to the State of Washington?

Mr. FISHER. Yes, sir; he was back in the State of Washington within a short period. I can't say just how long a period, but it seemed to me that he had been gone but a short time more than was sufficient for the round trip from Seattle to New York and return.

The CHAIRMAN. He was carried to New York at the expense of the Government, was he not?

Mr. FISHER. Yes, sir.

The CHAIRMAN. And released by the Government and returned to the State of Washington, probably, at his own expense?

Mr. FISHER. Yes, sir; I think so.

The CHAIRMAN. And you have him again under arrest in Seattle on the same charges?

Mr. FISHER. On a new warrant, but on the same charges.

The CHAIRMAN. The probabilities are that he will again be sent east for deportation?

Mr. FISHER. I think that very likely.

The CHAIRMAN. Now, let me ask you this: Is it customary to release on their own recognizance aliens who have been ordered deported?

Mr. FISHER. I would not say it was customary to release those who have been ordered deported. There have been a number released where we have advised that the decision would be held in abeyance for the period of a year, or something to that effect; and in the meantime released on their own recognizance.

The CHAIRMAN. Held in abeyance for what reason? Was it on account of the war?

Mr. FISHER. There was no reason given that I know of, except that it was the decision.

The CHAIRMAN. These abeyance cases occurred since the war, did they?

Mr. FISHER. Well, they occurred in the latter part of 1918.

Mr. KLECZKA. After the signing of the armistice?

Mr. FISHER. Both before and after, I think.

The CHAIRMAN. Have you had any cases in your district of deportees released on their own recognizance?

Mr. FISHER. A large number.

The CHAIRMAN. What was the procedure?

Mr. FISHER. Well, after the record had been made and transmitted to the department we have received telegraphic instructions that the decision would be held in abeyance for a stated period, usually one year; meantime, we were instructed to release them on their own recognizance; and I, personally, have been instructed to keep them under surveillance and make a report at the end of the year.

The CHAIRMAN. That is to say, while they were released on recognizance—they were supposed to remain in your view?

Mr. KLECZKA. They were supposed to remain in your jurisdiction?

The CHAIRMAN. In your jurisdiction—well, what is the exact word used?

Mr. FISHER. Well, I was simply instructed that I was to keep them under surveillance. That, however, was physically impossible.

Mr. RAKER. How could he keep them under his jurisdiction—because, if they are released, they are released?

Mr. FISHER. In some cases, we were instructed to have an agreement with them whereby they would agree to report so often as to their occupation and conduct. Many of these men refused positively to accept their liberty on any such conditions, and refused to sign any such agreement; and then we were instructed to release them on their own recognizance, and to make a report at the end of the year as to their occupation and conduct.

The CHAIRMAN. To report to your office?

Mr. FISHER. No; to report to the department.

The CHAIRMAN. Do you know of any cases of that kind in which a report has been made?

Mr. FISHER. I mean that we were supposed to make a report.

The CHAIRMAN. Yes; I see. Now, you have had some that were released, to be under your surveillance?

Mr. FISHER. Yes, sir.

The CHAIRMAN. How many?

Mr. FISHER. To give a rough estimate, I should say between 100 and 200, possibly; it might run more than that; I have no figures with me.

The CHAIRMAN. Would it be possible for you to get a list of all those that have been released in that manner?

Mr. FISHER. I could get it in the files at Seattle; I do not know whether I could at this end of the line.

The CHAIRMAN. You are requested, then, to get such a list and to mail it to the committee at your earliest convenience.

Mr. RAKER. Well, let me suggest this, so that we will not be delayed on account of that: Could you not get the names of all of those men here at the department, if we should request the names of those who were ordered released by the department?

Mr. FISHER. The only objection about doing that is this: I could not pick the particular cases from the names; the files here may be kept entirely by the names; and I have not the names.

Mr. RAKER. What I mean is this: Would not their records here show a list of those ordered released on bond, and also those ordered released on their own recognizance at the Seattle office? Can they not go to the Seattle office and find all of those that have been thus released? It seems to me that would be easy.

Mr. FISHER. It could be done by their telegraphing the Seattle office to furnish a list of the cases released in that way, and then referring to the department files.

Mr. RAKER. What I mean is this: Do they not keep a list of those that have been released here in Washington?

Mr. FISHER. I do not know.

Mr. RAKER. I do not see how they can possibly do business without it.

The CHAIRMAN. Except that the file number here differs from the file number in the Seattle office.

Mr. RAKER. What I mean is this: The Seattle office takes in a certain jurisdiction out there; and evidently there must be a record in the Seattle office of each case, whether the man was ordered, deported, or released on bond, or released on his own recognizance.

Mr. FISHER. Yes; but I think the way they keep the records here, you must know the name of the alien in order to refer to that record. However, I am not positive of this.

The CHAIRMAN. Would it be possible for you to ask them by telegraph to mail you such a list?

Mr. FISHER. Yes, sir.

The CHAIRMAN. Will you undertake to do that?

Mr. FISHER. Yes, sir. If the list can not be obtained here.

Mr. VAILE. When this man was released by order of the department, that action was taken on his own request and on his own recognizance, was it?

Mr. FISHER. I have no way of knowing that.

Mr. VAILE. By whom was the order for his release issued?

Mr. FISHER. By the Department of Labor.

Mr. VAILE. Did the Department of Labor ever request him to appear at Ellis Island in response to that recognizance?

Mr. FISHER. I could not say as to that. The only advice that we have officially at Seattle concerning the release of this man is, after we had reported his arrest by the State authorities at Port Angeles we were advised by the department that he had been released on his own recognizance. The terms of that release I do not know.

Mr. VAILE. Well, it seems to me that if he was released on his own recognizance, it would require a certain showing on the part of the department before it could issue a new warrant for his arrest; it would seem to me that they could not very well do that without first making a demand for his appearance before some officer.

Mr. FISHER. I so reported to the department, but they evidently thought otherwise; because they not only issued a new warrant but gave the order to us to serve it in an altogether new proceeding.

Mr. VAILE. But on the same charge?

Mr. FISHER. Yes, sir.

Mr. KLECZKA. Was the old proceeding faulty in any way?

Mr. FISHER. Not to my knowledge. I think personally it was a very strong case.

Mr. BOX. The question is, was it for the same transaction? You said it was the same charge; do you mean the same nature of charge or the same offense?

Mr. FISHER. The same transaction—that he advocated and taught the unlawful destruction of property; and that he did not believe in government.

Mr. BOX. That is what I wanted to get.

Mr. RAKER. Well, let us carry the inquiry a little further: This first charge, at the time you made the charge against him, was that he was teaching and advocating the unlawful destruction of property?

Mr. FISHER. And that he believed in the overthrow of the Government of the United States by force and violence?

Mr. RAKER. That is the first charge on which you arrested him?

Mr. FISHER. Yes, sir.

Mr. RAKER. Now, the second charge—at the time you made the second charge, he was then advocating the overthrow of the Government by violence?

Mr. FISHER. Well, that he had been doing so subsequently to his entry into the United States in both instances.

Mr. RAKER. Well, I want to get this point clear in the record, and this is a good case for doing so: On the second charge did you arrest him on the ground that at the time of his second arrest he was still advocating the unlawful destruction of property?

Mr. FISHER. I would judge that that was the case, because they instructed us to obtain all the evidence available of his additional activities after his release at Ellis Island.

Mr. RAKER. What I am getting at is, after his release at Ellis Island, until he was arrested the second time, was it your information that he was still teaching the unlawful destruction of property and still teaching the overthrow of this Government by force and violence?

Mr. FISHER. Yes, sir; he was very active, continuously.

Mr. RAKER. Yes; I see. What I want to know now is this—and that will apply to all the cases: Upon what theory has the Government authorized the release of these men who thus believe upon bonds and turned them loose upon the community? Did they render any opinion or anything of that kind?

Mr. FISHER. The theory is that every man is entitled to bond.

Mr. RAKER. Well, I am not so sure of that.

Mr. FISHER. I mean the department's theory.

Mr. RAKER. I will withdraw that—

Mr. FISHER (interposing). That is the department's theory, that every man is entitled to bond, and that the bond must not be excessive; that the object of the bond is to guarantee his appearance when they want him.

Mr. RAKER. In other words, a man that teaches the unlawful destruction of property, and plies his trade of teaching that, is arrested; and he is then turned loose and enabled to continue to ply his trade of teaching the unlawful destruction of property and the overthrow of this Government by force and violence; he is allowed to continue doing that in the community while his trial is pending?

Mr. FISHER. If he and his friends have sufficient money or property to put up a satisfactory bond——

The CHAIRMAN (interposing). Now, just a minute; so far as that applies to an alien, that is merely a theory, is it not?

Mr. FISHER. Well, I am speaking of the department's practice.

Mr. RAKER. What I would like to get into the record is this: Is our law so weak and so inefficient that a man who is teaching the unlawful destruction of property, and also teaching the overthrow of this Government by force and violence, is arrested as an alien and should be deported, he is to be turned out on his own recognizance, indefinitely, to continue the plying of that trade in the meantime? Is that the policy of the department as it has been conveyed to you? That is the crux of this whole thing.

Mr. FISHER. It seems to have been, in many instances.

The CHAIRMAN. Well, in this particular case, this man has no property.

Mr. FISHER. No, sir; he has nothing.

The CHAIRMAN. So that his recognizance means nothing.

Mr. FISHER. His recognizance means nothing?

The CHAIRMAN. Now, you have had other cases, have you not, where you have had them released on recognizance, so called, in your custody?

Mr. FISHER. Yes, sir.

The CHAIRMAN. What has become of them?

Mr. FISHER. I am sure I could not give you any idea, except in a very few cases.

The CHAIRMAN. Now and then an alien will report to you?

Mr. FISHER. A few of them, owing to the fact that they have, possibly, obtained employment somewhere in that neighborhood, and we have been able to keep track of them. But of those that did not, several have been arrested recently by the State authorities for their activities, when we had lost track of them, for six or seven months.

Mr. RAKER. In that connection, the same ones that you had arrested and turned loose on their own recognizance, pending the hearing of their cases, have been rearrested by the State authorities for plying the same trade?

Mr. FISHER. Yes, sir.

The CHAIRMAN. Here is the point that is important—and I do not think that we need to have the witness say it—here are a hundred or more of these aliens; and we will get their names——

Mr. RAKER (interposing). That is just what I think ought to go in the record.

The CHAIRMAN (continuing). Released by order of the department, and nominally in the custody of the inspector. The minute they are released they travel to some other State—to your State or Oregon, or Utah, or any other State that they want to go to—

and continue their activities for the destruction of this Government; and they have a further contempt for the Government, and have expressed it over and over again, from the fact that they have worked the Government in this way.

Mr. RAKER. Here is what I am getting at now: If the law is not ample now, and we are trying to get a law for that purpose, that this committee may report out as a single, separate bill, to place a prohibition upon the Secretary of Labor against releasing on bond or recognizance pending the hearing of his case, of a man who holds those beliefs and teaches those doctrines; because if a man is infected with smallpox, or is a leper, you certainly would not turn him loose upon the community pending the hearing of his case, to spread his disease; in other words, if you had him in custody for burning one building you should not let him out to burn another building. I just wanted to get your viewpoint as to that.

Mr. SWOPE. Just for information, let me ask if that policy is caused by lack of funds, so that they are not able to give those people subsistence during that period? I have heard that stated, and I wanted to know if it was true.

Mr. FISHER. It has been the policy, ever since I have been connected with the Immigration Service, to place them on bond.

Mr. Box. How long has that been?

Mr. FISHER. Since 1903.

Mr. Box. That is 17 years.

Mr. FISHER. Yes, sir. It has been the custom always to fix a bond on all arrest cases; the bonds would vary. For instance, where a man charged with entering the United States without inspection, unless there was some exceptional feature of the case, the bond would be \$500. Where a man was charged with being a procurer the bond would run about \$1,000; where a man was charged with being an anarchist the bond would be \$1,000, unless there were some exceptional features in the case.

Mr. SWOPE. Could they not make the amount of the bond prohibitive?

Mr. RAKER. Let me ask this question: Have any of these men released on bonds when you arrested them disappeared so that you could not apprehend them when you wanted them?

Mr. FISHER. Those that did not put up surety company bonds. There were some that put up surety company bonds of \$300 to \$1,000; those men are available at any time.

Mr. RAKER. Those that put up what kind of bonds were not available?

Mr. FISHER. Those that were released on recognizance.

Mr. RAKER. Well, I want to hang on to the subject of bonds first. Did any of those who were put on bonds, surety bonds or otherwise, fail to appear?

Mr. SWOPE. What per cent forfeited these cash bonds?

Mr. FISHER. There have been none who were arrested as radicals in our district that have forfeited any kind of surety bonds.

Mr. RAKER. Well, have any been forfeited, whether of radicals or otherwise.

Mr. FISHER. In other cases, we have had that; yes, sir.

Mr. KLECZKA. Well, before they can give a surety bond they have to deposit the money in the bank to cover the amount of the bond, do they not?

Mr. FISHER. Yes; or they can put the money in the bank, and the president or the cashier will sign the bond; or more recently it has been the policy to deposit Liberty bonds.

Mr. KLECZKA. All of these bonds are given to assure the appearance of these men at the time of the hearing, are they not?

Mr. FISHER. Yes, sir.

Mr. KLECZKA. There is no assurance in the meantime that they will desist from teaching these anarchistic doctrines?

Mr. FISHER. No, sir.

Mr. RAKER. How many bonds have been forfeited?

Mr. FISHER. I could not give you the figures.

Mr. RAKER. Have any been forfeited and the money collected?

Mr. FISHER. Yes, sir; but not on the radical charges.

Mr. RAKER. On any charges?

Mr. FISHER. On other charges, yes, sir; there have been quite a number of them.

The CHAIRMAN. The annual report of the Commissioner General of Immigration will show that, will it not?

Mr. FISHER. Yes, sir; there have been quite a number of them.

The CHAIRMAN. I think we have developed that sufficiently. It is the same charge that was made in New York; that is the thing about which Mr. Siegel has been complaining; and in this case there is the additional fact that the same aliens who have been brought to Ellis Island were released there, just the same as that man McGregor Ross was, and they have returned to the original place of their activities and continued to teach their doctrines there.

Mr. RAKER. That is right, but what I am trying to get at is whether there are a number of forfeitures of bonds that have not been collected.

Mr. FISHER. No; I think practically all the bonds forfeited have been collected, at least in our district. In other words, the sureties have been investigated, and it has been ascertained that they were good for the amount of the bonds before they were accepted on the bonds.

Mr. RAKER. Well, what becomes of the fellow who forfeited his bond, relative to reapprehending him?

Mr. FISHER. Well, occasionally they are reapprehended, but I would not say that occurred very often.

Mr. RAKER. They are turned loose in the community to ply their trade, as usual?

Mr. FISHER. Yes, sir.

Mr. BOX. I understand you to say that this has been the policy for the last 17 years?

Mr. FISHER. It has been the policy for the last 17 years.

Mr. RAKER. Have you in any of these cases of anarchists, or of those who teach the unlawful destruction of property, or those who believe in the destruction of this Government by force and violence—when you have had them arrested have you refused to admit them to bail on their own recognizance and turned them loose and sent back

reports of that kind to the department, urging that the man should be held and should not be turned loose.

Mr. FISHER. There have been a few cases where they refused to sign an agreement to keep the office advised as to their whereabouts; in which the commissioner protested against their release, and, in fact, advised that he was not releasing them until some additional instructions were received.

Mr. RAKER. In other words, notwithstanding the warrant, and notwithstanding the directions in the warrant that the man should be admitted to bail, you knew that the man was teaching the unlawful destruction of property and was persisting in advocating it, and the destruction of the Government by violence, and you reported the fact back to the department, that this man was of dangerous character and should not be at large and should not be admitted to bail, or should not be released on his own recognizance pending a hearing; is that correct?

Mr. FISHER. No; I would not say that I have. My reports go through the commissioner entirely.

Mr. RAKER. All right. Now, why have you not done that?

Mr. FISHER. I say that any reports that I have go through the commissioner; I do not come in contact directly with the department.

Mr. RAKER. Your reports go through the commissioner at Seattle?

Mr. FISHER. Yes, sir; the commissioner at Seattle?

Mr. RAKER. Have you made a report of that kind to the commissioner at Seattle?

Mr. FISHER. I think so, in a few cases where there were exceptional features.

The CHAIRMAN. Are you familiar with the testimony given by Ivan Gornovsky, or John Gornovsky, in Seattle, on March 8, 1920?

Mr. FISHER. Yes, sir.

The CHAIRMAN. It was given before you; was it?

Mr. FISHER. It was.

The CHAIRMAN. I have a copy of that testimony here; that has been sent to the department, has it?

Mr. FISHER (examining paper). This particular statement has not been sent to the department, or had not when I left Seattle; this was used in connection with the State prosecutions.

The CHAIRMAN. But this man is now under arrest on a deportation proceeding, is he not?

Mr. FISHER. He is under arrest on a deportation proceeding.

The CHAIRMAN. And that is part of the evidence that has not reached the department, but will reach the department?

Mr. FISHER. Yes, sir.

The CHAIRMAN. I will read the testimony to the committee. This man refused to be sworn, but he made this statement before Thomas M. Fisher, inspector, and W. P. Callahan, immigrant inspector. He says:

DEPARTMENT OF LABOR.

IMMIGRATION SERVICE,

Seattle, Wash., March 8, 1920.

In the matter of Ivan (John) Gornovsky, arrested on a deportation proceeding. Statement of Ivan (John) Gornovsky made in the presence of Thomas M. Fisher and W. P. Callahan, immigrant inspectors.

In addition to being secretary of the organization known as the Union of Russian Workers, I am a member of the I. W. W. organization, having joined

the last-named organization March 17, 1919, being initiated by delegate No. 113, and had I. W. W. membership card No. 465948 issued to me, that being the same card which I am now shown.

I had been studying the industrial situation, not only in the United States, but all over the world for a considerable time prior to my becoming a member of the I. W. W. organization, and I had also become familiar with said organization, its objects, teachings, tactics, etc., and my reason for joining said organization was because I realized that only through organization could the ends desired be accomplished; I also realized that there was no conflict between the objects, tactics, teachings, etc., of the I. W. W. organization and those of the Union of Russian Workers, of which I was, as before stated, secretary; in fact, I found by careful study that the objects, teachings, tactics, etc., of the two organizations were practically one and the same, and that the two organizations, as organizations, were closely affiliated. The difference between the two organizations being that the I. W. W. paid their officers a salary, while in the Union of Russian Workers the services of the officers was donated.

After joining the I. W. W. organization, I continued to study the organization and the problems which it was trying to solve; I read its literature, attended its meetings, listened to its speakers, talked with officers, organizers, delegates, and members of the organization until there was absolutely no question but that I know just what the organization stood for. The objects of the organization is to abolish the wage system, take over all means of production and all products of consumption, to make the workers masters of the entire wealth of society. To accomplish this end there must be an uprising at the first opportunity offered, and at the same time we must mercilessly destroy the remains of government, boss, and class slavery. We must free the inmates of jails and penitentiaries, destroy the buildings, tear up all judicial accounts and documents pertaining to private ownership. We must destroy the boundaries in the fields, and, in general, we must wipe off from the face of the earth everything that will remind us of private ownership. To blow up the barracks and police institutions. We must place against the firing squad most important of the military and police officials. This must be the aim of the rising workers.

We must be merciless in our destruction, as a slight weakness on our part might cost us oceans of blood later. We must accomplish same as soon as possible, so as to enable us to construct on a new basis, that is, to enlarge existing worker's unions and to transmit production to them. Every city is to start individually and to proclaim a commune, that is, the union of all free worker's association will become the masters of the city. At the first opportunity the city commune will get in touch with the outlying communes in the neighborhood, thus forming a county commune, the union of all communes and the one national and international federation is the development that is to follow.

The foregoing statement in my opinion conveys briefly the objects, teachings, and tactics of the organization and same meet with my entire approval as an individual and a member.

I do not believe in an oath, therefore I will not make oath to the truthfulness of this statement, but I will affirm that said statement is the truth and nothing but the truth.

JOHN GORNOVSKY.

The foregoing statement subscribed in my presence by Ivan (John) Gornovsky, after he had read the same over carefully and stated that he fully understood same. March 10, 1920.

THOMAS M. FISHER,
Immigrant Inspector.
W. P. CALLAHAN,
Immigrant Inspector.

Mr. KLECZKA. Was that testimony given in English?

Mr. FISHER. Yes, sir.

The CHAIRMAN. Now, I take it that this man was arrested and had on him papers showing him to be a member of the I. W. W.?

Mr. FISHER. Yes, sir.

The CHAIRMAN. And you also knew that he was secretary of the Union of Russian Workers?

Mr. FISHER. Yes, sir.

Mr. RAKER. Where is this man at the present time?

The CHAIRMAN. He is in jail.

Mr. FISHER. He is held in the detention house in Seattle.

The CHAIRMAN. How long has he been held?

Mr. FISHER. He has been held since about the 1st of February.

Mr. RAKER. Since the 1st of February of this year?

Mr. FISHER. Yes, sir.

The CHAIRMAN. He is subject to release on bond?

Mr. FISHER. Yes, sir.

The CHAIRMAN. Is there any other evidence that was taken in his case?

Mr. FISHER. Yes, sir; there is a lot of it. This is a statement that was desired by the State authorities, a brief statement; the regular testimony in the deportation proceedings went into his whole life and history and connection with these affairs.

Mr. Box. And that was in line with all of this and of the same nature?

Mr. FISHER. Yes, sir.

The CHAIRMAN. This particular statement has become public from the fact that it, having been taken by you as a United States official, has been turned over by you to prosecuting attorneys in the different counties and is being used to convict I. W. W.'s and to connect up the I. W. W.'s as being of the same faith as the Union of Russian Workers, with revolutionaries, anarchists, and other persons favoring the physical overthrow of this Government, is it not?

Mr. FISHER. Yes, sir; and also to show what the teachings, tactics, and methods of the I. W. W. organization consist of.

The CHAIRMAN. Would it be possible for you to send to this committee copies of additional testimony taken by these Federal officials in the case of this man?

Mr. FISHER. Yes, sir.

The CHAIRMAN. And could you order it by wire to-day?

Mr. FISHER. Yes, sir.

The CHAIRMAN. You are requested to do so.

Mr. KLECZKA. Well, I suggest that you could get a transcript of the trial of those Russian workers. Several of them were convicted last week, were they not?

Mr. FISHER. I have not heard of any. There was one I. W. W. convicted in Seattle, I see by this morning's papers.

The CHAIRMAN. Does your investigation convince you that long before the officials of the Government knew of the Union of Russian Workers that organization existed and was working and cooperating with the I. W. W.?

Mr. FISHER. Well, I know that it has existed since 1916, and I have reason to believe it existed before that time.

The CHAIRMAN. You do not know that, as far back as 1912, there was a secret interchange between the Russian revolutionaries and the I. W. W. in the State of Washington? You do know that of your own personal knowledge?

Mr. FISHER. No; not of my own personal knowledge; it is hearsay entirely.

Mr. RAKER. In that connection, here is one sentence that I want to read, in connection with Miss Keller, who was talked of yesterday—Miss Frances A. Keller, of the organization known as the

Interracial Council—this is particularly interesting right here. She says:

Secretary Wilson has decided that all alien members of the I. W. W. party are violating the immigration law and are to be deported. If America follows this ruling and proceeds only against the aliens, leaving the citizen members to go free, and continues the raids, the industrial morale of America will hang in the balance, and the balance is a very delicate one now.

Mr. BOX. That is Miss Keller who says that?

Mr. RAKER. That is this Americanization officer that was here yesterday.

Mr. KLECZKA. In this Gornovsky case, was there a report made and a recommendation for his deportation?

Mr. FISHER. It was made; yes, sir. I do not believe it has reached Washington yet; it will within a day or two.

The CHAIRMAN. We will have to ask for the papers at this end.

Mr. KLECZKA. Have you any idea how many members this organization has in your district?

Mr. FISHER. About 200.

Mr. WHITE. Mr. Chairman, was the testimony of this witness that you read just now stated to be the views and the principles of the members of the I. W. W. as well as the Union of Russian Workers?

The CHAIRMAN. Yes; and in that connection I am going to read from the "Report of the General Executive Board of the Industrial Workers of the World, Receipts and Disbursements General Defense and Relief, August and September, 1919," which was published as a pamphlet by the I. W. W., 1001 West Madison Street, Chicago, Ill.; I will read a paragraph on page 13 of that pamphlet:

Moved by Speed, seconded by King, that the following resolution be concurred in and that the secretary-treasurer and the secretaries of industrial unions shall act as a committee to communicate with officers of the Third International;

"Resolved, whereas the Soviet Republic of Russia in its call for the organization of the Third International, included in the I. W. W. as one of the bodies eligible to such new international; and

"Whereas the I. W. W. is the only revolutionary organization in the United States whose program is absolutely scientific and uncompromising, and is the logical American unit of the Third International; and

"Whereas the proletarian revolution is world-wide and not national or local in its scope;

"Therefore the time has come for the I. W. W. to assume its proper place on the American Unit of the Workers' Red International, and to establish closer relations with groups of the same or similar principles in every country, such as the communist of Russia, Hungary, Bavaria, etc., the spartacans of Germany, the syndicalists of France, Italy, and Great Britain, and other countries and the industrial unionists of Canada and Australia; Therefore be it

"Resolved, That the I. W. W. shall create a committee on international relations, which shall at once establish and maintain correspondence and fraternal relations with such aforesaid revolutionary groups throughout the world and shall provide for the representation of the I. W. W. as a constituent member of the Third International."

Carried unanimously.

That is sufficient in your opinion, Mr. Fisher, to connect the I. W. W. absolutely with the so-called Communist Party in the United States, is it?

Mr. FISHER. In my opinion it connects the I. W. W. organization not only with the Communist Party but with the Union of Russian Workers.

The CHAIRMAN. And it follows naturally that as the Secretary of Labor has decided that alien members of the Communist Party are subject to deportation, then alien members of the I. W. W. would be similarly subject to deportation?

Mr. FISHER. That is my opinion, that they should be. I also know that the Union of Russian Workers has adopted a resolution similar to that, to affiliate with the I. W. W. organization. I have not that with me at the present time, but I have seen it.

Mr. Box. You answered a question as to the number of members of the Union of Russian Workers in your district as 200?

Mr. FISHER. Their membership lists carry about 200 in that district.

Mr. Box. How many I. W. W.'s have you reason to believe exist there?

Mr. FISHER. Probably 60,000—50,000 or 60,000.

Mr. Box. Fifty thousand or 60,000; so that there are a great many more of them than there are of the Union of Russian Workers.

Mr. FISHER. Yes, sir.

Mr. Box. What percentage of them are aliens?

Mr. FISHER. Seventy-five per cent, I think, of the I. W. W.'s are aliens.

Mr. WILSON. What comprises the district to which you refer?

Mr. FISHER. The State of Washington and the Canadian boundary of Montana and Idaho.

Mr. KLECZKA. Of the 60,000, 75 per cent are aliens, you say; of the remaining 25 per cent how many are naturalized citizens?

Mr. FISHER. I have given that a good deal of thought and I think about 15 per cent are naturalized and about 10 per cent are American born.

The CHAIRMAN. Unless there are further questions, suppose we hear these two visiting officers, Mr. Wixon, assistant commissioner of immigration at Montreal.

I may say to you, Mr. Wixon, that a subcommittee of this committee has been trying to find time to visit the immigration offices at Montreal, but we have been detained here by business. We are not at all familiar—that is, personally I am not at all familiar with either the procedure or the personnel in that office. We would like very much to have a statement from you. Of course, we have the annual reports and members of the committee have read with much interest the reports of business at the Montreal office. Is there much immigration to the United States coming through the Montreal office at this time?

STATEMENT OF MR. IRVING F. WIXON, ASSISTANT COMMISSIONER, UNITED STATES IMMIGRATION SERVICE, MONTREAL, CANADA.

Mr. WIXON. Our immigration for the last three years has been heavier than it has ever been.

The CHAIRMAN. Do you remember the figures for the last fiscal year?

Mr. WIXON. No, sir; I could not give you those.

The CHAIRMAN. Well, approximately?

Mr. WIXON. I would not want to approximate that, because I think you could find it more definitely.

The CHAIRMAN. Well, we can get the report and study it, and we do not want to take the time to do that now. You say it has been heavier than ever before; how much heavier?

Mr. WIXON. There was probably an increase in the last year of 10,000 over what there was prior to 3 years before that.

The CHAIRMAN. Coming from what countries, principally?

Mr. WIXON. Coming from Canada.

The CHAIRMAN. Leaving Canada for the United States?

Mr. WIXON. There have been a number of persons who have come to Canada, but have become dissatisfied with conditions there, and have then come to the United States.

Mr. RAKER. How long, on an average, does it show that they have been in Canada, after coming from a foreign country to Canada, before they have attempted to come to the United States?

Mr. WIXON. Approximately a year.

The CHAIRMAN. Where do they come from into Canada, principally.

Mr. WIXON. Austria and Russia.

Mr. RAKER. Well, has Canada been admitting them from Austria in this last year?

Mr. WIXON. No, sir.

The CHAIRMAN. Immigration, not only to the United States, but to Canada, ran down during the entire war period, did it not?

Mr. WIXON. Yes, sir.

The CHAIRMAN. And it is now picking up. What is the period required in Canada for citizenship?

Mr. WIXON. It was formerly three years; it is five years at the present time.

The CHAIRMAN. If an alien comes to Canada, we will say, from Sweden, and remains there one year, what is the process by which he seeks admission into the United States legally?

Mr. WIXON. He can apply at one of our interior stations, of which there are several, and be examined there. If found admissible, he is given a certificate which admits him at the boundary, or he can proceed from the interior and be examined at the boundary; and that affords a special inquiry at the stations located in the interior, and also at some of the border stations.

Mr. RAKER. Just give us the procedure, please; a man comes to Montreal—that is where you are located?

Mr. WIXON. Yes, sir.

Mr. RAKER. That is in the interior?

Mr. WIXON. Yes, sir.

Mr. RAKER. About how many miles?

Mr. WIXON. About 40 miles. The only time that we require papers is where they are natives of one of the enemy countries, and then the man has to present citizenship papers of Canada before we can admit him, outside of the enemy regulations.

Mr. RAKER. But those who do not belong to the enemy countries, but simply are without any papers of any kind, and simply make application to come to the United States—what is done in those cases?

Mr. WIXON. That is another case; if they are citizens of a foreign country, they have to have a passport which is viséed abroad by the American officers.

Mr. RAKER. Well, those who are without passports, they are the largest number at the present time, are they not?

Mr. WIXON. Yes, sir.

Mr. RAKER. Well, what is the procedure that they have to go through before they proceed to the port of entry?

Mr. WIXON. They are examined first—primary examination—by one inspector. If he is not satisfied beyond reasonable doubt that the alien is eligible for admission, he refers him to a board of special inquiry. The board of special inquiry is composed of three members, and a written record is kept of the testimony before the board, and the vote of two members prevails; if one of the members who votes for exclusion is not satisfied with the decision of the other two members; he has the right to appeal from that decision to the Secretary of the department.

Mr. RAKER. Well, suppose there is no adverse decision and it is unanimous, then what is done?

Mr. WIXON. If he is examined at one of the interior stations, he is provided with what we call a 5-24 certificate, and that is attached to his ticket and is listed at the office at the boundary.

Mr. RAKER. And that is returned?

Mr. WIXON. That is returned to the office of admissions.

Mr. RAKER. At Washington?

Mr. WIXON. No, sir; at Montreal.

Mr. RAKER. And that office is maintained by the United States?

Mr. WIXON. Yes, sir.

The CHAIRMAN. Have you anything to suggest by way of improving the conditions in your service?

Mr. WIXON. Our troubles started with the law of 1917, when a head tax was assessed upon citizens of Canada.

The CHAIRMAN. Coming into the United States?

Mr. WIXON. Yes, sir; it appears to be an affront to our neighbors to the north of us to say to them, "You have to pay \$8 to come into the United States to reside." Our officers are immediately told that they take that as an insult, and our officers often suffer abuse on account of that.

Mr. RAKER. Well, let us find out what they do. Do they admit the fellow that abuses the officers, irrespective of his physical and mental qualifications?

Mr. WIXON. The officer, instead of passing on his case personally, refers them to a board of special inquiry oftentimes.

Mr. RAKER. Well, what is the attitude of the board of special inquiry in a matter of this kind?

Mr. WIXON. We can not take into consideration personal attacks upon officers.

Mr. RAKER. Well, if a man begins to attack the officer of the Government before he gets into the United States, do you think he will make a good citizen when he gets here?

Mr. WHITE. Well, is he not complaining about the \$8 head tax?

The CHAIRMAN. I presume it is the same feeling that a man has who speaks and understands the English language thoroughly and is asked if he can read 40 words in English. But I would like to ask what happens in those cases: Does anybody refuse to pay head tax because of the supposed affront?

Mr. WIXON. Yes, sir; and when they refuse to pay the head tax we treat them as not being properly presented, and as not being eligible under the immigration laws, because the law requires that prior to their being presented they shall pay the \$8 head tax.

The CHAIRMAN. Then, the man who refuses to pay the \$8 head tax retires from his application for admission; we have lost him and Canada regains him. Is there any harm done?

Mr. WIXON. Personally, I do not think the United States has gained anything where a man enters the country without being willing to conform to the Constitution and laws of the United States.

The CHAIRMAN. Does that feeling apply to men of all classes coming from Canada, to men coming in with their families, or to what class does it apply?

Mr. WIXON. It applies particularly to the better class of Canadian citizens.

The CHAIRMAN. Let me refresh my memory as to one point: Prior to the immigration act of 1917 was there a head tax on residents of Canada coming to this country?

Mr. WIXON. Prior to the act of 1917 there was no head tax upon those who had been one year in Canada; and while we did not exempt a man because of his citizenship, we did exempt him because of his residence in Canada.

The CHAIRMAN. Well, when the law spoke of residence one year in Canada, did that mean an alien from, for instance, Holland, who had gone to Canada and lived there one year?

Mr. WIXON. Yes, sir.

The CHAIRMAN. We used to let them come in just two steps, then?

Mr. WIXON. Yes, sir. The law seems to have been a subterfuge adopted by Congress to relieve Canadians from the order of the head tax, because I understand that other countries objected to Canada being treated differently from the way they were treated.

Mr. RAKER. Just in a general way, will you state the complaint that those men made and the abuse that they gave the officers by reason of the head tax? I would just like to get the attitude of those that want to come into this country and begin to abuse the officials before they ever get it, because of our laws.

Mr. WIXON. Well, generally, their complaint is based upon the initial assertion that they are British subjects and as good as any person in the world; and that a British subject has the right to go anywhere without paying for that right. It would be impossible to state just the nature of the abuse in all cases, because different persons make different attacks. I have seen cases where the applicant has said, "To hell with your country; I would not give \$8 for the whole country."

Mr. SWOPE. Then, after they had refused to pay the \$8, do they come in to this country—

Mr. WIXON (interposing). I can cite a specific case if you want it.

Mr. SWOPE. Yes; I would like to have you cite a particular case.

Mr. WIXON. We had an applicant recently at Buffalo, N. Y.; I can not give his name offhand. He had come into the United States to accept prearranged employment, by asserting that he was coming for a visit, and had been passed originally by an inspector. Subsequently, after he had begun work in one of the States, the officer

ascertained that he had come over here under a contract of employment; that he held the man for a board of special inquiry, because the man was not admissible, being a contract laborer—pardon me, I am wrong; he did not go before the board. He was taken before the immigration office and he made several statements which were particularly abusive, both of the country and of the officers in general.

He said that if the officer had not caught him napping he would not have been held that time; that persons who wanted to avoid the payment of the head tax were able to do so by claiming that they were coming over on a visit; and it was only a d— fool that would get caught.

The CHAIRMAN. Do you think that there is much of that sort of thing; that is, people entering the United States under such claims?

Mr. WIXON. We know it. We have a system of taking a certain number; where the officer is not satisfied that the person's intentions are not bona fide, he assesses the head tax, and gives them a refund certificate. We call that a 5-69 certificate. That provides for a refund of the head tax, if the person departs from the United States within a period of six months, and makes claim for the refund within seven months. And every month we have turned in thousands of dollars to the Treasury, for head taxes deposited in that manner.

Mr. RAKER. So that the man who desires to visit the United States, even for six months, can come here ad libitum and return? The only thing is, he has to make a deposit, and he gets his deposit back when he leaves the country.

Mr. WIXON. We do not admit, even for the purposes of a visit, a person who is not admissible otherwise under our laws; such a person undergoes the same examination that he would if he was entering the United States for permanent residence; therefore, if he does not make application for a refund of his deposit within seven months, he is placed upon the permanent manifest, and becomes a regular immigrant.

Mr. RAKER. Still, he is deceiving the immigration officials?

The CHAIRMAN. I want to get this clear: I have been back and forth between Canada and the United States, in the West, a number of times. Do they not have excursions between Canada and the United States—at such places as Niagara Falls, Buffalo, etc.? Are all of those persons on those excursions examined by the immigration authorities?

Mr. WIXON. I had quite an experience as inspector at Montreal, and at that point particularly there are a large number of excursions. They come there on Saturday afternoons; the Grand Trunk Railroad runs excursions nearly every Saturday; and they come from up in Hampton and all of those outlying towns; and it is not uncommon for a trainload of 300 or 400 to arrive there. We have one officer, and sometimes two, to inspect a trainload of 300 or 400; and he is given about half an hour in which to inspect the occupants of that train.

The CHAIRMAN. So that is only a perfunctory inspection?

Mr. WIXON. It must be.

The CHAIRMAN. It must be perfunctory; and the same thing applies out in the Puget Sound country, to an immigration inspector who is inspecting on the boats.

Mr. RAKER. And with these 300 or 400 people coming on the excursion, 290 may be bona fide excursionists, and the other 10 may be seeking to get into the United States as immigrants surreptitiously? Is that not correct?

Mr. WIXON. Unless they are willing to make a truthful statement—

Mr. RAKER (interposing). Well, a man who is trying to get across the border surreptitiously will not make a truthful statement; that is correct, is it not?

Mr. WIXON. Yes, sir.

Mr. SWOPE. Could we not go back for a moment to that case you referred to, about a man that pretended to be coming in as a visitor? Was he subsequently admitted?

Mr. WIXON. No; he was not admitted; he refused to pay the head tax.

Mr. KLECZKA. Is your investigation of those who try to come into the United States as visitors, as a rule, as stringent as your investigation of those who want to come here permanently?

Mr. WIXON. To all intents and purposes; yes.

Mr. KLECZKA. What purpose have these men in mind—where the man tells the inspector that he is coming here on a visit, and then resides here permanently?

Mr. WIXON. Because there is a possibility that the officer passed him as a visitor and relieved him of the \$8 head tax.

Mr. KLECZKA. I see. But at the time he makes his application he knows whether he will reside here permanently or will reside here only temporarily; now, when he crosses the border, if it is his intention to stay here, he knows that this \$8 will not be returned to him?

Mr. WIXON. Of course he is not going to state that he will remain after he has once been admitted as a visitor.

Mr. KLECZKA. Well, my theory is that that examination and inspection of those who are admitted as visitors is not, perhaps, as thorough as it is in the other cases. And you have stated that every month you turn in to the United States Treasury thousands of dollars in those cases?

Mr. WIXON. Yes, sir.

Mr. KLECZKA. That is, of money deposited by those who fail to make application for a refund?

Mr. WIXON. Yes, sir.

Mr. KLECZKA. And that means that more than 200 or 300 of that class remain in the United States; the monthly returns from your board is more than 200?

Mr. WIXON. Considerably more than that.

Mr. SWOPE. Now, would it not be proper to have this witness state, Mr. Chairman, inasmuch as he has had a great deal of experience, what he thinks would be the best way of preventing these conditions? As to the feasibility of requiring the registration of these aliens, for example?

Mr. WIXON. The difficulty that we have is that everybody crossing the border from Canada wants to get across as expeditiously as possible; and as soon as you hold trains, or hold boats, there is a general complaint that arises, both from the traveling public and from

the railroad interests, and with the limited force which we have, it would be a physical impossibility to make a record of every person who is crossing the border, because there are many millions during the year.

Mr. SWOPE. Well, do you think an increase in the force would make that possible?

Mr. WIXON. Not entirely.

The CHAIRMAN. Let me ask you, what does the Canadian Government do along the border with regard to persons entering from the United States?

Mr. WIXON. They have an inspection somewhat similar to ours, but no head tax.

The CHAIRMAN. An American going into Canada to reside pays no head tax?

Mr. WIXON. No, sir.

The CHAIRMAN. An alien coming into Canada from one of the Scandanavian countries, for example, would he have to pay a head tax?

Mr. WIXON. No, sir; they have no head tax in Canada whatsoever.

The CHAIRMAN. Well, suppose it was an alien coming into Canada from China?

Mr. WIXON. Yes, sir; he would have to pay \$500?

The CHAIRMAN. They discriminate as they please regarding countries?

Mr. WIXON. Yes, sir.

Mr. RAKER. How about the Japanese?

Mr. WIXON. There is no head tax as to them.

The CHAIRMAN. Is there any prohibition against the entry of Japanese into any of the Canadian Provinces?

Mr. WIXON. Out in British Columbia, I think there is—but Mr. Fisher is better qualified to speak about that than I am; I think there has been some complaint about the Japanese settling there.

The CHAIRMAN. As I understand it, the Provinces in Canada, by order in council, can establish immigration regulations that are different from the general rules of the Dominion?

Mr. WIXON. Yes, sir; they have one in particular which prohibits the entrance of persons who are not traveling direct from their own country, and if a person comes to the United States from some other country and then wants to enter Canada they can debar him on that ground.

The CHAIRMAN. What Provinces of Canada have that rule?

Mr. WIXON. That is an order in council affecting Canada generally.

The CHAIRMAN. How does that affect railroad travel? Is that an incentive for foreigners to travel on Canadian railroads entirely?

Mr. WIXON. It may be that. But I do not think it is generally known by aliens residing in other countries.

The CHAIRMAN. Let us see how that will operate; I do not believe I understand that: Take the case of a man coming from another country, and let us see what happens.

Mr. WIXON. If he comes by direct journey, he can travel through the United States; but if he has resided in the United States he

can not go into Canada if they want to enforce that provision against him.

The CHAIRMAN. He could not go into Canada if he came from France, for example?

Mr. WIXON. If he has traveled direct from France, it would not affect him; it is only when he has taken up his residence in some other country than the country of his origin that it applies.

The CHAIRMAN. Yes; I understand. We have nothing similar to that in our laws?

Mr. WIXON. No, sir.

The CHAIRMAN. I will insert a statement of interest concerning Canadian immigration laws:

(The statement follows:)

HOUSE OF COMMONS,
Canada, March 15, 1920.

DEAR SIR: Under the amendments to our immigration act passed two sessions ago (9-10 Edw. VII, cap. 27), the governor in council was authorized by section 38 to exclude any nationality or race. Under the authority of this section there have been passed certain orders in council. I inclose copy of one of these dealing with Doukhobors, etc. Others were passed on the 14th of March and the 9th of June, 1919, prohibiting entry into Canada of Germans, Austro-Hungarians, Bulgarians, or Turks except with the permission of the minister of immigration.

During the discussion of the amended act I moved a resolution to prohibit the entry of races from southeastern Europe for a period of five years, but the Government declined to accept this amendment, and it was overwhelmingly defeated in the House.

Yours, faithfully,

H. CRONYN.

HON. ALBERT JOHNSON,
*Chairman of the Committee on Immigration,
House of Representatives, Washington, D. C.*

P. C. 923.

GOVERNMENT HOUSE AT OTTAWA,
Thursday, May 1, 1919.

Present: His Excellency the Governor General in council.

Whereas the minister of immigration and colonization reports that owing to conditions prevailing as the result of the war, a widespread feeling exists throughout the Dominion, and more particularly in western Canada, that steps should be taken to prevent the entry to Canada of all persons who may be regarded as undesirable because, owing to their peculiar customs, habits, modes of living and methods of holding property, they are not likely to become readily assimilated or to assume the duties and responsibilities of Canadian citizenship within a reasonable time; and

Whereas the minister further reports that numerous representations have been received by the department of immigration and colonization indicating that persons commonly known as Doukhobors, Hutterites and Mennonites are of the class and character described and that consequently it is desirable to prohibit the entry to Canada of such;

Therefore his Excellency the Governor General in council, under the authority of section 38 of the immigration act, chapter 27, 9-10 Edward VII, is pleased to order and it is hereby ordered that,

On and after the 2d day of May, 1919, and until further ordered, the entry to Canada of immigrants of the Doukhobor, Hutterite, and Mennonite class shall be and the same is hereby prohibited.

PHILIP L. BUNDHEA,
Clerk of the Privy Council.

Mr. RAKER. Let me see if I am correct in my understanding of your statement as to the Canadian laws. The Canadian law regu-

lating immigration is fairly liberal, applying to persons going to Canada from other countries; that is right, is it not? There is no head tax, and the other conditions are very liberal?

Mr. WIXON. Well, I would not go that far; their law recently adopted is patterned almost entirely on our own, including the literacy test.

Mr. RAKER. Well, whatever it is, whether it is liberal or otherwise, after arriving in Canada from any other country, and residing in Canada one month or six months, from your discussion and description of their entering into the United States, it is comparatively easy for persons coming from a foreign country to land in Canada and then come from Canada into the United States?

Mr. WIXON. Yes, sir.

Mr. RAKER. And our method of admission, and our want of a sufficient inspection force, and so on, is such that, while we enforce our own regulations at our own ports, it leaves a very large loophole for foreigners to come into this country by way of Canada, does it not?

Mr. WIXON. Yes, sir.

Mr. SWOPE. I want to ask you this question: What would you think of a law that would compel each immigrant coming out of Canada into this country to bring with him a card, certified to by our representative in Canada? Would that not facilitate and make more accurate your examination? You said a while ago that a more efficient examination would hold up trains and traffic. What do you think about that suggestion?

Mr. WIXON. I do not see what it would accomplish.

Mr. SWOPE. My suggestion was to require him to go to our immigration office in Canada and be inspected there.

Mr. WIXON. It would be impracticable.

Mr. SWOPE. In what way?

Mr. WIXON. Because we do not have officers stationed in Canada, except at a very few points.

Mr. SWOPE. Well, that would be a matter for those people to worry about and not for us; they are seeking to come into this country.

Mr. WIXON. Do you mean that they would have to proceed to one of our offices in Canada before crossing the boundary?

Mr. SWOPE. Yes.

The CHAIRMAN. The trouble with that is that it would interfere with business trips of people who would want to travel frequently between Canada and the United States, and would thus cause very great inconvenience; and it would probably be met by retaliatory legislation on the part of Canada. Is that not true?

Mr. WIXON. Yes, sir.

Mr. KLECZKA. That class of business men or salesmen, could have a general form of permit for their own use.

The CHAIRMAN. I do not mean that that objection would apply only to business men.

Mr. KLECZKA. When a man comes into this country on a visit, does he fill out a form for the immigration officers?

Mr. WIXON. He fills out a form; yes, sir; we have a primary manifest.

Mr. KLECZKA. Are his statements on that form made under oath?

Mr. WIXON. Yes, sir.

Mr. KLECZKA. So that, when he comes into this country, and says that he is coming on a visit, but he intends, in fact, to remain here permanently, he is guilty of perjury?

Mr. WIXON. I would not say that all aliens who are passed on primary examinations testify under oath; it is only when they are before a board of special inquiry that the law requires them to be under oath.

Mr. KLECZKA. Well, these manifests are blanks, are they not?

Mr. WIXON. Yes, sir.

Mr. KLECZKA. And does the blank require that the answer be sworn to before a notary, or some officer authorized to administer oaths?

Mr. WIXON. Our blanks require an oath for the admission of an alien to the United States. But the law does not require that an oath be taken where they are admitted on primary examination, but only where they are before boards of special inquiry.

Mr. Box. If I may interrupt you, you stated that when a train containing 300 people would come into the United States, one inspector would be allowed, perhaps, 30 minutes in which to inspect all of those people?

Mr. WIXON. Yes, sir.

Mr. Box. That would mean that he would have to inspect 10 a minute?

Mr. WIXON. Yes, sir.

Mr. Box. He could not make a very elaborate inspection in that time.

Mr. WIXON. No, sir.

Mr. RAKER. When the inspector passes those 300 people on that train, at the rate of 10 a minute, any one of them may be a Russian bolshevik, or may be an anarchist, or a red; any one of those people may believe in teaching the doctrine of the unlawful destruction of property, or the overthrow of this Government by force and violence; any one of them may believe in the assassination of officials of our Government; and he may cross the border on that train, and he will then be in this country, free to go where he pleases, unless he is caught on that train.

The CHAIRMAN. In that connection, I think, instead of inserting them at the point where we were asking questions as to the number admitted into the United States, I will insert at this point, unless the committee objects, the statistics of admissions of immigrants through all the ports of the United States, for the months of July, August, and September, and October, of last year, showing also the countries from which they came.

Mr. RAKER. Last year?

The CHAIRMAN. Yes; those are the latest available figures.

Mr. Box. That is part of the present fiscal year.

The CHAIRMAN. Yes; we will insert that in the record at this time; that information has been presented to the committee by Mr. Box.

(The statement referred to is as follows:)

DEPARTMENT OF LABOR.
Washington, March 15, 1920.

Hon. JOHN C. BOX,
House of Representatives.

MY DEAR MR. BOX: Complying with your request of the 10th instant, addressed to the Commissioner General of Immigration, the department is pleased to inclose herewith two tables giving the information you desire relative to the number of immigrants by ports, months, and countries, subsequent to July 1, 1919.

Respectfully,

LOUIS F. POST,
Assistant Secretary.

Immigrant aliens admitted to the United States, 1919.

BY MONTHS AND PORTS.

	July.	August.	September.	October.	November.
New York.....	3,967	4,782	10,182	14,456	10,967
Boston.....	99	824	161	1,160	1,595
Philadelphia.....	52	31	120	904	463
Baltimore.....	21	14	8	137	9
Canadian Atlantic ports.....	519	502	797	625	951
Portland.....	3			1	161
New Bedford.....	67	55	71	41	
Providence.....	116	30	192	511	4
Newport News.....	55	40	49	56	103
Norfolk.....	23	64	69	235	101
Savannah.....			2	5	6
Miami.....	92	97	64	229	145
Key West.....	171	197	286	84	69
Other Atlantic ports.....	8	1	6	2	4
Tampa.....	144	137	128	163	134
Pensacola.....		1			
Mobile.....	10	4	10	14	3
New Orleans.....	178	191	251	269	125
Galveston.....	4	23	5	85	18
Other Gulf ports.....	4	5	2	1	2
San Francisco.....	515	725	1,009	983	450
Portland.....				2	
Seattle.....	302	271	375	250	200
Canadian Pacific ports.....	71	46	77	32	59
Alaska.....	8	21	13	11	26
Canadian border (land ports).....	7,856	7,725	8,570	7,903	7,951
Mexican border (land ports).....	3,642	4,566	3,858	4,043	3,187
Mexican border (seaports).....	15	6	16	7	10
Honolulu.....	180	183	233	228	395
Porto Rico.....	35	51	30	30	81
Total.....	18,152	20,597	26,584	32,418	27,219

BY MONTHS AND COUNTRIES.

	July.	August.	September.	October.	November.
Austria.....		3	2	3	2
Hungary.....		3	3	3	1
Belgium.....	240	303	545	553	376
Bulgaria.....		3	1	3	18
Denmark.....	118	157	87	445	167
France, including Corsica.....	489	475	959	1,113	576
German Empire.....	11	16	8	18	87
Greece.....	68	59	105	350	148
Italy, including Sicily and Sardinia.....	900	1,975	2,876	6,022	4,719
Netherlands.....	42	65	118	211	317
Norway.....	97	77	458	691	83
Portugal, including Cape Verde and Azores Islands.....	252	217	276	743	901
Rumania.....	4	4	13	55	41
Russian Empire.....	80	35	76	109	64
Spain (and Canary and Balearic Islands).....	182	192	461	907	565
Sweden.....	457	193	577	933	575
Switzerland.....	61	84	194	352	234
Turkey in Europe.....	1	23	31	188	67
England.....	977	1,142	2,387	2,552	2,840

Immigrant aliens admitted to the United States, 1919—Continued.

BY MONTHS AND COUNTRIES—Continued.

	July.	August.	Septem- ber.	October.	Novem- ber.
Ireland.....	55	105	266	344	638
Scotland.....	178	256	797	671	686
Wales.....	40	39	86	110	116
Czechoslovakia.....	2	2	8	294	101
Finland.....	5	14	13	62	39
Poland.....	11	3	17	47	13
Serbs, Croats, and Slovenes.....	3	8	17	97	40
Other Europe.....	1	2	17	27	6
China.....	175	113	328	194	221
Japan.....	586	623	904	915	733
India.....	14	4	34	21	24
Turkey in Asia.....	4	21	22	49	139
Other Asia.....	18	18	37	47	40
Africa.....	12	58	66	104	54
Australia, Tasmania, and New Zealand.....	125	242	149	250	60
Pacific Islands.....	18	16	24	20	13
British North America.....	7,625	7,617	8,490	7,816	7,774
Central America.....	160	243	304	304	90
Mexico.....	3,799	4,722	3,989	4,191	3,262
South America.....	271	372	334	420	311
West Indies.....	1,027	1,026	1,393	992	1,350
Other countries.....	35	7	11	6	115

The CHAIRMAN. Now, let me ask this question of Mr. Fisher: Have you any views about the registration of aliens coming into the United States?

Mr. FISHER. I think the registration of aliens would be one of the greatest helps for the enforcement of the immigration act.

The CHAIRMAN. Requiring the registration of all aliens entering the United States after the passage of the law?

Mr. FISHER. Yes, sir.

The CHAIRMAN. What would you think of requiring the registration of all aliens that are already in the United States?

Mr. FISHER. Well, it would be pretty hard, probably, to require all aliens that are now living in the country to register; they would probably object pretty seriously.

The CHAIRMAN. There is no doubt of that. But if an alien came into the United States surreptitiously, and we had no registration law, what would there be to prevent him from saying that he came here four years ago?

Mr. FISHER. Only by placing the burden of proof on the alien to prove that his entry was legal.

The CHAIRMAN. How can we do that?

Mr. FISHER. I think it can be done in the act. The Chinese exclusion act places the burden of proof on the Chinese to prove their residence in the United States is legal.

The CHAIRMAN. How would they prove that?

Mr. FISHER. They would prove that they were registered during the registration of 1893 and 1894, or that they were persons other than laborers at that time.

Mr. SWOPE. Could not identification be established very easily, by using the finger-print method?

Mr. FISHER. I do not see why there should be any objection to a thing of that kind.

Mr. SWOPE. You could tell whether a man had been here 8 or 10 years inside of half an hour, could you not, by properly digesting your files?

Mr. FISHER. First, if they were filed properly. I will say also that all aliens deported should be photographed and finger prints taken of them, and those photographs and finger prints should not only be kept and filed in one place, but records of them should be at the boundaries and at the seaports.

The CHAIRMAN. Let me ask Mr. Wixon this question while it is in my mind: Have you any views as to how the passport-visé system is working?

Mr. WIXON. If I answered that question I might reflect upon the attitude of the State Department as well as our own department.

The CHAIRMAN. Well, you can answer it, and it can be taken down, and we will protect you in your replies.

Mr. WIXON. When the transport regulations first became effective we were vested with some discretionary power. We could waive the visé in meritorious cases, and meritorious cases very often do arise up there on the Canadian boundary, because a business man might come to Canada with no intention of visiting the United States, and, failing to obtain the goods that he is seeking in Canada, he may find it necessary to visit our country. He had no reason for getting his passports viséed before departing from his native country, because he had then no intention of visiting the United States, and therefore he comes over here without having his passports viséed. He might have made his arrangements to sail from New York, so that he can only spend a day or two in the United States, and yet he might want in that time to spend thousands of dollars or millions of dollars in this country. Shall we refuse him an examination under our law and refuse him admittance to our country because his passport is not viséed?

The CHAIRMAN. That is almost identical with the case that Judge Raker investigated, and that we all heard of in New York.

Mr. RAKER. Well, it is the same thing that happened to me in Europe. I rode up to the border of Holland, and would have given a good deal to cross into Holland, but I was not smart enough to get my passport to Holland. I could have gone to any other place. I would have given a good deal of my own money, even, for the privilege of riding across 25 or 30 miles.

The CHAIRMAN. Let me ask you about this: During the war and during the operation of the passport-control act officials could waive the regulation as to viséeing passports?

Mr. WIXON. Yes, sir.

The CHAIRMAN. But under the extension of the passport-control act you can not waive it?

Mr. WIXON. No, sir; that is right.

The CHAIRMAN. That is, the extension applying to aliens coming to the United States?

Mr. WIXON. Yes, sir.

The CHAIRMAN. Have you found any cases where persons are arriving at seaports with American visés on their passports who could not be admitted?

Mr. WIXON. I do not recall any such cases.

The CHAIRMAN. Is it possible that there would be such cases?

Mr. WIXON. The only case that I have in mind is the case of some Chinese persons who arrived at one of our ports in Canada, and they had no authority to examine Chinese at the Canadian ports, because they are not ports of entry for Chinese except Vancouver, so they were forwarded to Boston for examination under the Chinese exclusion act.

Mr. RAKER. Let me ask this gentleman this question on the subject of registration: I understood you to say that you think a registration of aliens would be a good policy for the Government of the United States to adopt, both for the Government and the aliens?

The CHAIRMAN. No; I asked Mr. Fisher that question.

Mr. RAKER. Well, let us ask this gentleman that question.

Mr. WIXON. My idea is that it is impracticable.

Mr. RAKER. Why?

Mr. WIXON. For this reason, that you have no method of following up those cases. You have not a sufficient force available to follow up those cases, and unless you place some obligation upon the business concerns in the United States to refuse employment, if that is practicable, to aliens that are not registered, there is no way of following up those cases.

Mr. RAKER. Well, we will not pass any law to refuse them employment; we will place no restrictions on any man in any way, shape, or form different from those of an ordinary citizen. But if every alien arriving in this country should be required to obtain a registration certificate, and it is the duty of the officers of our Government to give that to him, and it is his duty to have that in the United States; that would not be any burden on the alien, would it?

The CHAIRMAN. And the law could be carried out and made effective by a provision that the failure of the alien to register, or to have his card of registration for a certain period of time thereafter, would be deemed a reason for deportation; the theory being that you would not be compelled to deport such a man, but you might deport him for failure to register.

Mr. WIXON. If it were possible to investigate and determine whether a man had conformed to the registration requirements, I think it might be a good thing.

The CHAIRMAN. Well, suppose I am a resident of Mr. Fisher's district; suppose I am an alien; and that I am arrested on suspicion; and then it is disclosed that I can not prove that I have registered at all.

Mr. RAKER. The Government's case is then complete.

The CHAIRMAN. The Government's case is then complete, and the burden of proof is on me, the failure to register being a cause for deportation.

Mr. WIXON. Did you mean that they would have to pay for the registration?

Mr. RAKER. Not a dollar.

Mr. WIXON. Aliens are very migratory; and would it be practicable to have the record in all the different offices to show that the man had registered, it would be up to him to prove that he was registered. Suppose a man failed to register; you can imagine that if a man fails to register and get his proper registration number on arrival in this

country, and if he turned up in Pittsburgh. for example, in custody for some small offense, his failure to have a registration card could be used against him; but if he lived there for some years as a harmless person, and nobody made any charges against him, he would simply go on as a sort of nondescript resident in the United States.

Mr. RAKER. Let me carry that a little further by this suggestion: Assuming that I have all the rights of an American citizen, still, in order to obtain political rights I have got to register in my home; I am 3,000 miles from home. If I neglect to do my duty and register in my State, I am deprived of certain of my rights as an American citizen. Is it any burden upon me that I am required to comply with the law, or have I any right to complain because I am required to comply with the law and to register in order to meet a public necessity?

Mr. WIXON. I should say no.

Mr. RAKER. Well, why should there be any difference in that respect between the alien and me?

Mr. WIXON. There is not any difference in the requirements.

Mr. RAKER. Then why should we be so delicate in dealing with the proposition of keeping track of the aliens who come to this country, while we are not at all particular as to our American citizens?

Mr. WIXON. I did not have in mind the burden that is placed upon the aliens. What I had in mind was that it would be physically impossible to cover all of the aliens that are now in the United States and to distinguish between those who are registered and those who are not registered.

Mr. RAKER. Well, that is a matter of detail.

The CHAIRMAN. But still that is a serious proposition.

Mr. RAKER. Still, I, as a citizen of this country, am required to perform certain functions and duties, and I am disqualified from exercising certain rights unless I register; in addition to that, I lose my right to vote for national and State and county officers unless I register; I lose the right that every citizen has. Therefore, why should this alien object if we require him to do even less than we require our own citizens to do, although it may be of the same general nature?

The Government can keep track of me; they know where I am; and they can keep track of every other citizen. Do you not believe that we would get better results, in the long run, and even if we had to increase our force, that we would save expense in the long run that we are now going to get these people, if we had a place where he knew he had to go and register?

Mr. WIXON. If we were dealing with an intelligent class of persons who saw the necessity for having those things, I think we would get results; but in dealing with an ignorant class of persons, as aliens generally are, I think they would fail to see the necessity for registration.

Mr. RAKER. Well, is it not the duty of the country to so raise the standard that they will not be ignorant, and instead of permitting them to become citizens when they are in that ignorant state to see that they have sufficient intelligence and education to understand our Government and conform to its laws?

Mr. WIXON. I think we should raise the standard of our immigration; yes, sir.

Mr. RAKER. Well, do we not require that of our own citizens, and ought we not to require that every man who lives here shall understand our Government so that he will be a better citizen?

Mr. WIXON. Yes, sir.

Mr. RAKER. Then, if it is a little expensive, we ought not to hesitate on that account?

Mr. WIXON. I think it would involve an enormous cost.

Mr. KLECZKA. You say that aliens are ignorant and would not understand a registration law. Do you know that, as a matter of fact, in Central Europe and Eastern Europe, whenever a man proceeds from one city to another, he is required to report to the police officers of the city he visits; that is the practice there, is it not?

Mr. WIXON. Yes, sir.

Mr. KLECZKA. So they are familiar with registration. When an American goes to one of those countries and registers at a hotel, he must surrender his passport, and his arrival is reported to the police officers, and he is registered. They are all familiar with that system in Eastern and Central Europe.

Mr. RAKER. I am glad you brought that point out. Is not the reason that those aliens might object to registration, the fact that they have had so much of it abroad that they are afraid they will get into the hands of the police officers in this country? Is that not the situation?

Mr. WIXON. Experience demonstrates that they are always afraid of officers of any kind and they keep away from them whenever they can.

Mr. Box. You said that you thought we ought to raise the standard or improve the quality of those who come to the United States as immigrants. What additional test would you suggest, if you have any in mind?

Mr. WIXON. I have not anything that I could offer, from an educational standpoint.

Mr. Box. I asked the question in order that you might make a suggestion if you had one to offer. I recognize the seriousness of the difficulty; that is all.

STATEMENT OF MR. W. W. SIBRAY, INSPECTOR IN CHARGE OF DISTRICT 19, HEADQUARTERS OF THE DISTRICT.

The CHAIRMAN. What is your official capacity?

Mr. SIBRAY. I am inspector in charge of District 19, headquarters of the district.

The CHAIRMAN. You have heard this inquiry this morning and realize that the committee is endeavoring to find some way to know more about aliens in the United States and to keep track of them?

Mr. SIBRAY. Yes, sir.

The CHAIRMAN. Have you any views you care to give the committee?

Mr. SIBRAY. Personally, I am under the conviction that the present act, the act of February 5, 1917, reinforced by the act of October 16,

1918, with one or two exceptions; is adequate. I feel it has not yet been tested.

The CHAIRMAN. You say one or two exceptions. Do you mean it needs one or two additions?

Mr. SIBRAY. It needs to be strengthened in a few particulars, it seems to me.

The CHAIRMAN. In what detail?

Mr. SIBRAY. I am in favor of registration of the incoming aliens, and I feel that the registration cards should be forwarded at once from the port of entry to the officer in charge of the district where they are going, and they should be kept there. I feel that there should be a follow-up system, and that the officer in charge of the district, for one year, should keep in touch with those people, and I feel the matter should be referred to the Americanization forces, and this would be a very great help along that line. I feel that the first year the Americanization work should be entirely under the immigration service.

The CHAIRMAN. When you say that you mean as at present conducted under the Bureau of Naturalization in the Department of Labor?

Mr. SIBRAY. No, sir. I believe it should be directly under the immigration service the first year.

The CHAIRMAN. In other words, your Americanization agent would be part of the same office to which you belong?

Mr. SIBRAY. Yes, sir; for the first year.

Mr. RAKER. Sort of a follow-up and investigation?

The CHAIRMAN. Let me ask, Mr. Wixon: Have you any reports or reasons for believing the immigration will increase rapidly from now on?

Mr. WIXON. I do not believe it will increase from Canada. I have a reason to believe that if the other countries will permit the natives of those countries to leave it will increase.

The CHAIRMAN. Do you think they are going to forbid it by a failure to issue passports?

Mr. WIXON. Yes, sir; I have pretty good evidence to that effect, as far as England is concerned. They are not allowing servants to come, because Canada is in great need of servants and she can not get them.

The CHAIRMAN. The people of Canada have made a great agitation and inaugurated a movement for bringing British-born servant girls to Canada, without success?

Mr. WIXON. Yes, sir.

The CHAIRMAN. You think passports are not issued because the British Government does not want to lose its people?

Mr. WIXON. They have to keep their people.

Mr. RAKER. They claim they have 5,000,000 women over there.

The CHAIRMAN. Can British subjects come into Canada regardless of any literacy test?

Mr. WIXON. No, sir. British subjects coming into Canada are subject to the same examination as any other persons.

The CHAIRMAN. Does Canada have a literacy test?

Mr. WIXON. Yes, sir; now.

The CHAIRMAN. What is their literacy test?

Mr. WIXON. It has just been inaugurated.

The CHAIRMAN. What is it?

Mr. WIXON. Practically the same as ours.

Mr. RAKER. That is interesting.

The CHAIRMAN. What do you make of those reports that have been printed, at least, to the effect that England, that part of the British Empire, has an excess of semidependent population which must be sent out of the British Isles?

Mr. WIXON. I can not reconcile it with the fact they are not letting persons out of there; that is, the reports that we have received at our office indicate they are not permitting any great number of persons to leave England; that they are placing all sorts of obstacles in their way.

The CHAIRMAN. How far does that same condition prevail in other countries, so far as you know?

Mr. WIXON. I have not any knowledge of that.

The CHAIRMAN. There are none brought through England from Switzerland and France?

Mr. WIXON. No, sir; because most of those persons come direct to the United States when they come from other countries.

The CHAIRMAN. It is the West British Empire population that migrates through that country into the United States?

Mr. WIXON. Yes, sir.

Mr. KLECZKA. Has any order been issued by the department suspending literacy tests in the cases of servant girls?

Mr. WIXON. Not that I know of.

The CHAIRMAN. Let me ask you one other question right in that same connection. It is very interesting, and I ask for information: Are there many so-called dependents reaching Canada from England to live with relatives in Canada? I mean widows of soldiers and children.

Mr. WIXON. The reports we have received are to the effect that England is trying to relieve itself of the dependents of soldiers who went over from Canada and to send them to Canada. I am stating this from a statement made to me by one of the Canadian immigration officers, that if a man went to England and married an English woman—that is, a Canadian soldier—when they came to Canada they had to admit them regardless of their immigration law.

The CHAIRMAN. That is to say, the Canadian soldier who married abroad and perhaps was killed?

Mr. WIXON. Yes, sir.

The CHAIRMAN. Canada wants to recognize that widow as a Canadian citizen?

Mr. WIXON. They are recognizing them; I would not say they want to. This officer gave me to understand they did not think the burden was on them.

Mr. WHITE. But the English Government is not trying to uphold them in it?

Mr. WIXON. Instead, they are encouraging them to come to Canada—encouraging them with transportation.

The CHAIRMAN. Have you any information to the effect that those who might want to come to Canada from England as servants, are not coming for the reason they can find employment in the factories in England?

Mr. WIXON. No. I have no knowledge except from talking with traveling inspectors for the Canadian Government.

The CHAIRMAN. Do they have many traveling inspectors?

Mr. WIXON. They have one for each district. They have, I believe, three or four districts, and they have a traveling man for each district, and also a traveling man to conduct deportation cases—for making investigations. They do not have to obtain a warrant the same as we do; they are authorized to give an alien a hearing, and when they find they are unlawfully in Canada they can deport them. Under our procedure, we have to get a deportation warrant issued.

The CHAIRMAN. That is right in line with a plan I suggested a few months ago; sort of a district deputy, a district chief, who would have the right to hold hearings; only I would carry it farther and give him the right to order the deportation.

Mr. WIXON. They have to send their cases to Ottawa and they are decided there, but they do not have to obtain a warrant before they arrest a man.

The CHAIRMAN. Does Canada have any traveling inspectors on ships?

Mr. WIXON. No, sir.

The CHAIRMAN. I believe that is all.

Mr. KLECZKA. Just one question: You know something about the operation of the visés by the American consuls, do you?

Mr. WIXON. Yes, sir.

Mr. KLECZKA. What evidence does the American consul require from the applicant before he visés the passport?

Mr. WIXON. In England, which is the only one we are acquainted with, they have to wait two weeks after they make their application, for the visés. We have no definite knowledge what inquiries are made in the interim.

Mr. KLECZKA. If a law was passed, requiring that before the American representative visé an application or a passport of an alien, that the applicant must submit affidavits from the local authorities certifying to the good moral character of the applicant, to the fact that he has never been convicted of any heinous crime and to the fact that he is not a member of any association which believes in the overthrow of Government by force, do you not believe that would solve, in a great measure, the difficulties we have with the admission of those intellectuals and others who belong to those secret radical societies?

Mr. WIXON. No, sir; I believe the only possible method of handling those is to place immigration officers abroad to act with the consulates, men qualified to make investigations, to inquire into the status of those persons before the passport is viséed.

Mr. KLECZKA. That is a matter of detail whether it be done by a consular attaché, or by an immigration inspector attached to the consulate; but there should be a requirement of satisfactory proof that he is a man of good moral character, that he has never been convicted in his native land for any heinous crime and, in addition to that, to furnish proof that he is not a member of any organization which believes in the overthrow of Government by force and violence.

Mr. WIXON. My idea in saying "immigration officers" is because they have had actual experience in that class of work. If they can

find a man qualified to make the investigation, he would be a proper man; but it is an immigration proposition.

Mr. RAKER. Mr. Kleczka's proposition is broader; he says, first, that fundamentally they must have this evidence; then, with your theory of inspection, that you ought to have an immigration officer go over all those records at the particular port; with the two combined you would get results, would you not?

Mr. WIXON. Yes, sir.

Mr. RAKER. And if Mr. Kleczka's idea were carried into law it would have a salutary effect?

Mr. WIXON. Yes, sir; very much so.

Mr. KLECZKA. I understand that is the law relative to Chinamen coming to this country, that they must furnish proof they are coming into this country for certain purposes, and they have to state under what exceptions in our law they are coming here.

Mr. WIXON. They are very strict about visiting passports in China.

Mr. RAKER. Without switching from this subject I might say that notwithstanding the order of the Tokyo Government that no more picture brides could come to this country that the immigration inspectors are admitting them just the same and I think we ought to bring the immigration officials up here to find out why they are still permitting those people to come in; that is, our Government is. The Japanese Government has issued an order they shall not issue passports.

The CHAIRMAN. It is under an agreement to be carried on for a certain time, to include existing contracts, as I understand it.

Now, Mr. Sibray, you were just making some suggestion about the registration and adding that to the present law. You said that the present laws were completely satisfactory, but had not been fully tried, you thought; that they needed some minor changes. You suggested, however, some rather radical changes.

Mr. SIBRAY. It is possible it might be a good policy to place a premium on men coming to this country to bring their families with them. I speak from experience in a great industrial center. I have found that in the 48 people that we deported on the so-called Soviet ark, that in not a single instance had one of the men brought his family to this country with him. And in our particular work in connection with the anarchist cases we find very, very few anarchists who brought their families with them. In most instances, they are either young men or men who left their families in Europe.

Mr. RAKER. In other words, the bringing of the wife and the family—

Mr. SIBRAY. Makes an American citizen of him.

Mr. RAKER. Makes an American citizen of him and stabilizes him as to this country.

Mr. SIBRAY. That is it.

Mr. KLECZKA. The fact is that the average anarchist does not believe in marriage.

Mr. SIBRAY. Of course that is a debatable question whether they do or whether they do not.

Mr. KLECZKA. Did you discover that in your investigation?

Mr. SIBRAY. No, sir; I did not.

Mr. RAKER. Then the same thing I have been discussing here as to naturalization: As a matter of fact, is it your experience that the

wife of the man assists in his naturalization and assists materially in his becoming a citizen?

Mr. SIBRAY. Quite materially. As soon as a man comes to this country with his family and gains a foothold, buys a little piece of property and sends his children to school, he no longer has those anarchistic ideas.

The CHAIRMAN. How could we provide the premium plan; by increasing or decreasing the time required for naturalization?

Mr. SIBRAY. No, sir. Naturalization has a very minor part in Americanization. It would seem to me that we might remove the head tax from the men who come with their families (that might be some small inducement) and possibly place a greater head tax on the single man.

Mr. KLECZKA. Do you not think the inducements we now offer to the alien, that he is allowed an exemption of \$2,000 if he is a married man, and allowed \$200 for every child he has, is a sufficient inducement and virtually a premium on his bringing his family here?

Mr. SIBRAY. I do not quite gather what you mean by the exemption of \$2,000.

Mr. KLECZKA. Under the income tax, the alien, if he has a wife in this country, is allowed an exemption of \$2,000. If the wife lives in the other country, he is only allowed an exemption of \$1,000. If he has children here, he is allowed an exemption of \$200 for each child. And most of those working men are making more than \$1,000, so that virtually they are all subject to some income tax.

Mr. SIBRAY. That, of course, is a temporary matter that has to do entirely with another department, and I have not given it any thought.

The CHAIRMAN. You say you shipped to New York, for deportation on the so-called "ark," how many?

Mr. SIBRAY. Forty-eight from the Pittsburgh district.

The CHAIRMAN. Did you have charge of those cases?

Mr. SIBRAY. Yes, sir; I did.

The CHAIRMAN. Were you satisfied they were all properly subjects for deportation?

Mr. SIBRAY. With a few exceptions.

The CHAIRMAN. What were the exceptions?

Mr. SIBRAY. In most cases, I believe, they were. In one or two cases, men were deported because they were members of Union of Russian Workers, when it was my best judgment that they went into it unintentionally and had no knowledge as to the principles of the organization.

The CHAIRMAN. But being in it, they were subject to it; although you yourself would have recommended a modification. Is that about the way you want to state that?

Mr. SIBRAY. Probably so.

The CHAIRMAN. Do you not think the fact that some were deported that did not have knowledge of what they were getting into, may act as a deterrent to other more or less ignorant aliens in the country from getting into similar things?

Mr. SIBRAY. It had a most wonderful effect and did no real harm, because all but three or four wanted to go much worse than we wanted to send them.

Mr. KLECZKA. Do you also believe in all those cases the doubt should be resolved in favor of this Government rather than the alien?

Mr. SIBRAY. Yes, sir; I do.

The CHAIRMAN. Is it not your opinion if the United States had deported Alexander Berkman the day he came out of the penitentiary, after serving a sentence for attempting to assassinate Frick, it would have stiffened the opinion of those revolutionists regarding the laws concerning deportation?

Mr. SIBRAY. I think it would.

The CHAIRMAN. Following that, if a man even signs the constitution of a revolutionary organization and does not know what he signs and gets deported, won't it deter others from getting into that affiliation?

Mr. SIBRAY. It certainly will. In this instance it certainly had a wonderful effect in the particular district where those people lived.

The CHAIRMAN. A great big district of aliens that was likely to become permeated and imbued with revolution before they knew it. Now then, you agree with me that a revolution does not have to be with force and violence (it is not a revolution until it is force and violence), so that a man who joins a pronounced revolutionary organization, suddenly finds himself in a crowd just waiting for numbers and strength to proceed to use that force.

Mr. SIBRAY. In my district a great many of the members of the Union of Russian Workers were ignorant fellows, who could not read or write, who came to this country and left their wives and children in Europe. The blockade of Russia came on; they had not heard from their families for two years; they did not know whether they were living or dead; they had gone into a neighborhood—a mining neighborhood—where they received no Americanization training of any kind, and they became desperate, and they would do anything in the world to get back to Russia. In the particular instance of which I speak a revolutionist from New York came through there and told them if they would join the organization that they would get ships by which they might return to Russia, collected a fee, entered their names on a book, gave them a card, and they were revolutionists.

The CHAIRMAN. Members of the Russian Workers Union?

Mr. KLECZKA. Of how many such cases do you know, of your own knowledge?

Mr. SIBRAY. We had 48 on that boat and we have about 20 more that have not yet gone, of the Russian Workers.

Mr. KLECZKA. Have these men now changed their desire to return to Russia?

Mr. SIBRAY. They all wanted to go; they would have gone if the ports had been open.

The CHAIRMAN. Let me ask you: When those poor, ignorant fellows got the card, did not they get some information as to where to go to a meeting?

Mr. SIBRAY. In some instances, yes.

The CHAIRMAN. In most instances?

Mr. SIBRAY. Yes; in most instances. In most instances they attended one or two meetings.

The CHAIRMAN. And they heard revolutionary speeches there, and they could understand the speeches?

Mr. SIBRAY. I do not know about the revolutionary speeches that they heard; they probably heard propaganda that was detrimental to our Government. But I say that the great thought with those men, the majority of them in my district was to get back to Russia; and, while I believe we were perfectly justified in deporting them and I believe the Bureau of Immigration acted right in that matter, yet it is my judgment, based on my experience in that district, that had the ports of Russia been open we would have had very little trouble with that class of people.

The CHAIRMAN. Did you deport any from that district who were known agitators, working all the time building up the Russian Workers?

Mr. SIBRAY. Yes, sir.

The CHAIRMAN. Collecting little 10-cent fees from them?

Mr. SIBRAY. Yes, sir.

The CHAIRMAN. Was there a raid made in your district by the Department of Justice?

Mr. SIBRAY. Yes, sir.

The CHAIRMAN. How many were picked up?

Mr. SIBRAY. Of the Russian Workers, I think—you mean how many were arrested by the Department of Justice?

The CHAIRMAN. How many were picked up in the raid, all told?

Mr. SIBRAY. Well, I should say 150.

The CHAIRMAN. Where were they taken?

Mr. SIBRAY. More of them in my district were arrested at Fairmont, W. Va., than at any other one point.

The CHAIRMAN. And taken to the county jail?

Mr. SIBRAY. To the county jail; yes.

The CHAIRMAN. Then what happened?

Mr. SIBRAY. Then I sent an inspector down there, who examined them and questioned them and held those on whom we fixed the charge of membership in the Union of Russian Workers.

The CHAIRMAN. And held those who admitted their identity and admitted membership?

Mr. SIBRAY. Yes, sir; and held cards admitting them to membership.

The CHAIRMAN. And released the others?

Mr. SIBRAY. Yes, sir.

Mr. WHITE. I infer from your statement that the promoter and agitator, the organizer, combined the occupation of organizer and grafter to some extent?

Mr. SIBRAY. Surely.

Mr. WHITE. I want to ask you one more question—I feel that way and I am glad to have you confirm it: Were these organizers, if you know, naturalized citizens, aliens who had been naturalized, or were any of them aliens?

Mr. SIBRAY. The organizers, so far as I know, were all aliens.

Mr. WHITE. Were all aliens?

Mr. SIBRAY. I do not know of one who was a citizen of the United States.

Mr. WHITE. And they had a wonderful opportunity, having a greater knowledge of the conditions of this country and their people

being more in the nature of dupes—that is, to a great extent—they had a great opportunity to take advantage of their credulity, the credulity of those poor, ignorant Russians; that is, they misled them to a degree?

Mr. SIBRAY. They did mislead them.

The CHAIRMAN. As a matter of fact, are not these agitators and organizations of workers circulating all kinds of literature in your district right now?

Mr. SIBRAY. All kinds.

The CHAIRMAN. And these very people who are supposed to be dupes are reading it?

Mr. SIBRAY. They can not read.

The CHAIRMAN. They can not read at all?

Mr. SIBRAY. Ninety per cent of them can not read.

Mr. KLECZKA. They can understand the speaker in the hall?

Mr. SIBRAY. Oh, yes.

The CHAIRMAN. You favor continuing the literacy test, do you?

Mr. SIBRAY. I do.

Mr. KLECZKA. Do you believe, based upon your experience with those aliens, that they should be given the privilege of agitating in our country for a change in our Government before they become citizens?

Mr. SIBRAY. By all means, no.

Mr. KLECZKA. Then you would favor a law which would make it prohibitive for any alien to advocate the changing of our system of Government?

Mr. SIBRAY. The present law, in my judgment, is adequate in that respect.

Mr. KLECZKA. No, it is not, because it only makes it a deportable offense if he advocates the change of our system of Government by force and violence.

Mr. SIBRAY. Right.

Mr. KLECZKA. And they always offer these fine distinctions and I maintain it is one of the incidents of citizenship to advocate a change in our system of Government.

Mr. SIBRAY. I do not believe an alien should have any voice whatever in a change of our form of Government.

The CHAIRMAN. Either on the soap box, in the newspaper, or anywhere?

Mr. SIBRAY. Anywhere.

The CHAIRMAN. I agree with you. I believe we will conclude the hearing and I would like to say to the committee, I think, has been greatly benefited by the testimony of all these agents of the immigration service, and we thank you for your attendance. I will, however, ask you one more question: How long have you been in the service?

Mr. SIBRAY. Since 1904.

The CHAIRMAN. How long have you been in the service, Mr. Wixon?

Mr. WIXON. Since July 1, 1907.

Mr. Box. Your appointments are in no way political; in other words, you do not come and go with different administrations?

Mr. SIBRAY. No, sir; we are civil-service men.

Mr. KLECZKA. Is there any opportunity for promotion?

Mr. SIBRAY. Possibly there might be an opportunity if we had the money; but we do not get the appropriation.

(The committee thereupon adjourned.)

COMMITTEE ON IMMIGRATION AND NATURALIZATION,
HOUSE OF REPRESENTATIVES,
Tuesday, April 6, 1920.

The committee this day met, Hon Albert Johnson (chairman), presiding.

The CHAIRMAN. The committee has before it this morning two gentlemen who were detailed by this committee to examine papers in the Department of Labor. They appear at the request of the committee. Mr. Blackwood tells me that the files of the department are in a confused state.

Mr. RAKER. What is the matter with the files; what is the condition of the files?

Mr. BLACKWOOD. The files are badly scattered over the building.

Mr. RAKER. You mean the general system of filing is wrong?

Mr. BLACKWOOD. I guess the system of filing originally was all right, but either the stuff was coming too fast or everybody was pulling at the files and tearing them apart until now it is uncertain whether you are getting a complete file or not. They are scattered pretty well all around the different offices.

With reference to the cases you gentlemen wanted, concerning the aliens brought from the West to Ellis Island, and later released, I find practically in all of them conflicting memoranda and summaries, the original memoranda and summaries stating that the evidence showed them to be dangerous anarchists, and all the charges were sustained, and ordering their deportation. The latter charge shows to this effect, that after Mr. Recht and Caroline Lowe appeared in person at the department and made on oral argument and statements, which caused them to view the testimony in a different light, and they found that the evidence did not sustain the charge, and for that reason turned them loose. I am compiling that data, which will be ready in a few days.

Mr. Box. Who are the two persons you named who appeared in person?

Mr. BLACKWOOD. They were Mr. Recht and Caroline Lowe.

Mr. Box. Do you know who they are?

Mr. BLACKWOOD. They are radical attorneys, who have been appearing in radical cases in this section of the country.

Mr. Box. From where?

Mr. BLACKWOOD. From New York, I believe. I think Caroline Lowe—the last I heard of her, she was around Buffalo; I do not know where she is now. I think she is here in connection with the Martens case. John Recht is general counsel for Martens, the so-called Bolshevik representative to this country, and also for the I. W. W. and every faction of radicalism in New York. When deportees arrive a committee of anarchists or I. W. W's are appointed and the chairman communicates with either Recht or Lowe or Horowitz, the regularly recognized I. W. W. attorneys.

Mr. VAILE. You have a memorandum of the names of these cases and the substance of the original recommendations?

Mr. BLACKWOOD. Yes, sir; I will be able to have a complete memorandum in detail within a few days. With reference to the late arrests; that is, since December, 1919, of members of the Communist Party, quite a number were turned loose, on the recommendation of all of the officers concerned, from the examining inspector up through the bureau to the Assistant Secretary, on the ground that there was no evidence to sustain the charge that they were members of this organization. But there are several hundred records I have found so far in which the evidence supports the charge that they are members of these organizations. These organizations, by the way, had been declared by the Secretary to be anarchistic organizations, and membership in them sufficient for deportation. In these cases I have mentioned, in which the examining inspector and his immediate superior officer have recommended deportation, the cases have been reviewed by the law division, a memorandum prepared, and over the signature of the Commissioner General of Immigration, recommendation for deportation has been made, and the cases have then gone to the Assistant Secretary, who in the majority of cases has simply canceled the warrant without comment and ordered the alien released from custody. In a few instances he has made a comment of three or four lines. I have been compiling those also and will have them in good shape in a few days.

The CHAIRMAN. Is that list of communications practically similar to the list of cases that I have here?

Mr. BLACKWOOD. I just glanced at that, and I am quite sure those are part of the cases I have reference to. They have been turning loose about 50 a day for the last two or three days.

The CHAIRMAN. I notice here the papers as made up have a place for the signature of the Commissioner General of Immigration and then a place for the signature for the acting secretary, and the word "Acting" is stricken out.

Mr. BLACKWOOD. That was when Mr. Abercrombie was on the job.

The CHAIRMAN. "Acting" is stricken out, and in the absence of Mr. Abercrombie, Mr. Post is Acting Secretary.

Mr. BLACKWOOD. He signs as Assistant Secretary.

The CHAIRMAN. That is his capacity down there.

Mr. RAKER. What is the nature of those cases they have been canceling in this way? What is the nature of the charge?

Mr. BLACKWOOD. You mean the charge against the alien?

Mr. RAKER. Yes.

Mr. BLACKWOOD. That he is a member of or affiliated with an organization that teaches and advocates anarchy and the overthrow of the Government of the United States by force.

The CHAIRMAN. Have you a copy of the order of Secretary Wilson to the effect that alien members of the Communist Party were subject to deportation?

Mr. BLACKWOOD. I have it copied.

The CHAIRMAN. Statements in regard to the release of these fellows have been printed over and over again in the newspapers. I saw a statement printed in the New York Tribune several weeks ago. It surprised me.

Mr. RAKER. Let me take this case under date of March 12, 1920, in re Hristo Kokur, alias Harry Kocur; age 37; married, wife and two children, residing in Austria; illiterate, subject of Austria (Galicia); entered the United States at the port of New York ex-S. S. (unknown), September 12, 1912.

This shows that the deportation warrant was issued December 29, 1919, based upon a statement made by the alien before a special agent of the Department of Justice, admitting membership in the Communist Party of America, Ukrainian branch, Buffalo, N. Y.

The alien waived the right of counsel.

That shows that the alien must have been advised as to his right to have counsel. He waived that right; and, notwithstanding the fact that he waived the right to have counsel, he was accorded a hearing, which was held at Buffalo, N. Y., on January 17 and again on January 30.

Mr. BLACKWOOD. Yes, sir.

Mr. RAKER. 1920 [reading]:

at which time he again admitted membership in the Communist Party of America, as shown by his testimony (p. 3 of the record), said admissions being corroborated by original application for membership in the Communist Party of America. (Exhibit D of the record.)

This memorandum shows that the party was duly arrested and was advised of his right to have counsel; that he waived the right to have counsel, and following that hearings were held on two separate days.

Mr. BLACKWOOD. Yes, sir.

Mr. RAKER. So far as this particular case goes, it shows that all the judicial proceedings that any man could ask for were given to him.

Mr. BLACKWOOD. I think every case I have seen is of that kind.

The CHAIRMAN. In that particular case there is a foot note with the statement that the Communist Party was not then in existence.

Mr. RAKER. I was simply trying to bring out the fact that the party was arrested; that he was advised of his right to have counsel, and he deliberately waived the right to have counsel; that, notwithstanding that a hearing was given him on one day and then it was continued for two weeks more and another hearing was held and testimony taken, and upon his admission and the record taken, it was shown that he is a member of the Communist Party.

Mr. BLACKWOOD. Yes, sir.

Mr. Box. Is that one of the cases in which counsel for defense privately appeared and procured a change in the judgment.

Mr. RAKER. This record says here that "The investigating officer recommends deportation, which is concurred in by the inspector in charge at Buffalo," and then the following:

The evidence submitted and adduced establishes, and the bureau finds that this alien is in the United States in violation of law (act of October 16, 1918) and is subject to deportation therefor, this on the ground, and it is so found, that he is a member of or affiliated with an organization that advocates, teaches, or entertains a belief in the overthrow by force or violence of the Government of the United States, and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law—

And—

It is therefore recommended that the department issue a warrant for his deportation, on these grounds, such deportation to be Austria (Galicia) at Government expense. It is further recommended that the alien be transferred

to Ellis Island, there to be detained until such time as his deportation can be accomplished.

Then there is in typewriting "Commissioner General," and off at the right "R. H. T.—G." and "cancel" in pen. Above the word "approved" in typewriting the word "deport," and "Assistant Secretary" below.

Mr. BLACKWOOD. The Assistant Secretary took exception to them asking him to approve any of this procedure, and issued an order that the word "canceled" be used, instead of the word "approved" or "disapproved."

Mr. BOX. He objected to the word "approved" on the record over and above his signature?

Mr. BLACKWOOD. Yes; over his signature.

Mr. RAKER. There is at the bottom this notation:

The unlawful Communist Party did not exist at the date of this alien's application for membership, namely, August 2, 1919. The membership application is not the one quoted in the Secretary's memo. in the Pries case, and does not bring alien within the purview of the act of 1918 as interpreted by that memo. He appears to have done nothing since that application to identify him with the unlawful organization. (Signed) L. J. P. Mar. 13, 1920.

Mr. BLACKWOOD. He has been calling that class of cases automatic membership, and in the late memoranda he writes the words "automatic membership," meaning they were members of the Socialist wing, when they changed to the Communist Party, and that they changed in a body and did not make individual applications for membership in the Communist Party later.

The CHAIRMAN. And even though they paid their dues later as members of the Communist Party they were not brought into the Communist Party in a personal way; that is his theory.

Mr. BLACKWOOD. That is his idea.

Mr. RAKER. Here is one under date of March 12, 1920, the case of Michial Piatko. It says on the memorandum:

Concl. The Communist Party did not exist at the time of the application and there is no evidence to bring alien within the Secretary's decision in the Preis case.

Mr. BLACKWOOD. It was in connection with the Preis case that the Secretary issued the circular decision I spoke of before.

Mr. RAKER. Let me call attention to one thing. It says here:

The evidence submitted and adduced establishes, and the bureau finds—

I want to specially call this to your attention—

that this alien is in the United States in violation of law (act of Oct. 16, 1918) and is subject to deportation therefor; this on the ground, and it is so found, that he is a member of or affiliated with an organization that advocates, teaches, or entertains a belief in the overthrow by force or violence of the Government of the United States.

I do not understand why they have drawn that. It does not say that he is a member of or affiliated with, and it does not say he advocates or teaches or entertains.

Mr. VAILE. It follows the language of the statute.

Mr. RAKER. What I am getting at is this, that he is a member of or affiliated with—and here the direct charge is against the individual—he is a member of or affiliated with; it means he is nothing.

In other words, he is a member of or affiliated with an organization that advocates, teaches, and entertains the belief.

Mr. VAILE. If he advocates or teaches these things that subjects him to liability for deportation. He is also subject to that liability if he is a member of an organization or affiliated with an organization which advocates or teaches a belief in these things.

The CHAIRMAN. The New York Tribune of February 15, 1920, more than six weeks ago, had an article headed "Reds' cases drag; none of 586 deported." The article goes on to say:

None of the 586 men and women sent to Ellis Island as the result of raids on extremists early last month has been ordered deported, it was announced at the island yesterday.

A marked contrast between the methods of handling the present cases and those of the 249 Russians deported on the *Buford* has developed. Most of those sent on the *Buford* were arrested in country-wide raids on November 27. Their deportation came 44 days later. Forty-four days have now elapsed since the January raids, and in only 40 cases have deportation hearings before immigration inspectors been completed.

The status of the January cases is as follows:

Released on bail, 416; now held at the island, 137; died at the island, 4; freed because United States citizens, 7; freed because of lack of evidence, 12.

Those released on bail include all of the 40 women sent to the island as the result of January raids and Gregory Weinstein, chief of staff of "Soviet Ambassador" Martens. All have refused to testify at preliminary hearings.

Most of those sailing on the *Buford* were members of the Union of Russian Workers of America. Those arrested last month were accused of being members of the Communist Party, and two changes in methods of handling deportation cases have been made as the result of a Federal court decision in habeas corpus proceedings instituted by some of the extremists and a modification of regulations by the Department of Labor.

The decision which set the suspects free on bail upset plans of the island authorities to release none on bond until questions of inspectors had been answered to establish birthplaces of those held and other facts about them. Almost all of the aliens have refused to give any information whatever about themselves.

The ruling of the department provided that aliens should receive opportunity to have counsel prior to any questioning. Formerly the Government got its case in first and then accorded privilege of counsel at rehearings.

Byron H. Uhl, acting commissioner of the island, expressed the opinion yesterday that his staff had been fortunate in completing even as many as 40 cases because of sparring by counsel. The papers have not been forwarded to Washington in these 40 cases for review, as required before deportation is ordered.

In addition to those arrested in January, there are at the island 63 extremists held there prior to January awaiting deportation. No Russians have been deported since the *Buford* sailed, and announcement has been made that there will be no Soviet arks in the future, but deportation will be by groups on different ships.

Does that number of 586 represent the net results of the raids in the United States?

Mr. BLACKWOOD. It represents only a very small portion, because those were in New York, and New York would be only a very small portion. It is probably New York City, because I see from the records that they had men detained at Cortland, N. Y., and Buffalo, N. Y., and various other cities in the States, and in other parts of the State.

The CHAIRMAN. I want to ask Inspector Fisher a question as to the exact procedure by which an inspector undertakes to develop a deportation case. Let us say you have worked up a case against some Russian. You are pretty sure of your case; what do you do then?

Mr. FISHER. Apply for a warrant for his arrest on a deportation proceeding.

The CHAIRMAN. By telegraph?

Mr. FISHER. If an emergency exists, by telegraph. But if we have sufficient time we make application by mail.

The CHAIRMAN. Then you have the man arrested?

Mr. FISHER. We arrest the man and bring him in.

The CHAIRMAN. You proceed to give him a hearing?

Mr. FISHER. Yes, sir.

The CHAIRMAN. How do you do that?

Mr. FISHER. We arraign him, have a stenographer there, and read the warrant of arrest and explain it to him.

The CHAIRMAN. Do you notify him that he is going to be heard on a certain day?

Mr. FISHER. We bring him up to a table and read the warrant of arrest and explain it to him and we then notify him of the purpose of the hearing, that the hearing is to determine whether he is to be deported from the United States or not, and we notify him of his right to have counsel, and if he says he desires counsel we then defer hearing until he has arranged for counsel, and until counsel is present. If he waives his right to counsel we may proceed with the hearing at that time.

The CHAIRMAN. Have you always, in years past, notified these people of their right to have counsel?

Mr. FISHER. I do not believe I know of but one case when we slipped, and that was an oversight. I do recall one case that slipped by, on account of an oversight.

The CHAIRMAN. So it has been the custom for the witness to be notified that he was entitled to have counsel?

Mr. FISHER. Yes, sir. The only thing is this. Under the previous regulations we were instructed not to notify them at the beginning of the hearing. The former regulations say that at any time after the preliminary statement has been taken that that shall be done. That was formerly the case, but that has been changed.

Mr. RAKER. Suppose that in a criminal case counsel was authorized by the statute, but the court failed to advise a defendant to that effect, and he was convicted. That would not justify having the judgment annulled on a writ of habeas corpus; he might take a direct appeal.

Mr. FISHER. Lately the regulations have been changed. During the first part of the hearing, immediately after arraigning a man he is notified that he is entitled to have counsel, and if he desires to have counsel the proceedings are stopped until he has had time to obtain counsel.

Mr. RAKER. That was a change that was made some time last fall?

Mr. FISHER. Yes, sir.

Mr. RAKER. To the effect that a person held for deportation should be immediately notified?

Mr. FISHER. Yes, sir.

Mr. RAKER. In your opinion, has that resulted in fraud and subterfuge between the deportee and his counsel?

Mr. FISHER. It does when you get an unscrupulous lawyer, like you have in some of these radical cases, who will tell his client not to answer questions.

Mr. RAKER. Do you find a number of cases where the deportee denies that he is an alien?

Mr. FISHER. Yes; a number of them.

Mr. RAKER. That puts the burden of proof on the United States?

Mr. FISHER. Yes, sir.

The CHAIRMAN. Suppose we let Mr. Blackwood tell us what he has observed. He is here in a different capacity from that of Mr. Fisher. Mr. Fisher is in the employ of the service, and Mr. Blackwood is employed by the committee and may make any statement or observation he thinks best.

Mr. BLACKWOOD. Mr. Chairman, the bureau has been very accommodating in that they have evidently made an effort to get the files called for, and I am impressed with the fact that the files are scattered from one room to another. They have a good system, I understand, but that system is violated in the various bureaus; the various officers send for files and do not receipt for them and leave them on their desks or put them in a drawer or on a shelf, and they stay there until somebody makes a search for them. I understand that in some instances they have been buried for a long time, while the man concerned was in jail.

The CHAIRMAN. That is, the man is awaiting a decision and the papers get lost, and he lies in the jail in the meantime?

Mr. BLACKWOOD. Or is on bond.

The CHAIRMAN. You had no difficulty in getting any papers you asked for?

Mr. BLACKWOOD. No; no difficulty at all.

The CHAIRMAN. That is, if the papers can be found at all?

Mr. BLACKWOOD. Yes.

Mr. BOX. Are they often entirely missing?

Mr. BLACKWOOD. I have been asking for so many cases that I have not checked up to see how they are coming in.

The CHAIRMAN. The McGregor Ross case is missing?

Mr. BLACKWOOD. They acknowledge the loss of that, because a member of the law department so stated.

The CHAIRMAN. That is the only case we have asked for in detail, outside of the general request we made.

Mr. BLACKWOOD. I have this kind of information. There is a case in New Orleans of a man by the name of Bosco. His bond was fixed at \$10,000. He was ordered deported, and we had transportation from the port of New Orleans when Weinberg or Recht, one of the radical attorneys from New York wrote the department a letter demanding that the man's bond be reduced to \$1,000, and that the Government send him to New York to facilitate the hearing, where this attorney could appear. That was granted, and the man is to go from New Orleans at Government expense to the port of New York, where a hearing can be had to permit these radical attorneys to appear for him.

Mr. BOX. What about the reduction of the bond?

Mr. BLACKWOOD. I understand that was granted.

The CHAIRMAN. Has the hearing been held in New York?

Mr. BLACKWOOD. I do not know.

The CHAIRMAN. Can you find out?

Mr. BLACKWOOD. Yes; I think I can.

The CHAIRMAN. Is the Department of Labor, after having given you permission to take these files, asking for them back while you are working with them?

Mr. BLACKWOOD. They have called for a few of them back. A file clerk will come back and look over the files.

The CHAIRMAN. What about an order that the commissioner should prepare 100 cases per day? Do you know anything about that?

Mr. BLACKWOOD. There is a memorandum from Mr. Post, as acting Secretary, directing—

The CHAIRMAN (interposing). Or as Assistant Secretary?

Mr. BLACKWOOD. As Assistant Secretary, directing the Commissioner General of Immigration, Mr. Caminetti, to furnish him 100 cases per day. Then he makes three classifications of cases. The first classification is of cases in which there has been a summary made by the law division and a recommendation signed by the Commissioner General. The second class of cases is of cases in which a summary has been made by the law division, but which the Commissioner General has not had an opportunity to review; and the third class of cases is cases in which no summary and no review has been made in the bureau and his instructions are:

If you can not furnish 100 cases of the first class, fill them up with the second class; and if you can not fill them up with the first and second classes, then fill them up with the third class of cases in which no review or summary or recommendation has been made by the bureau.

The CHAIRMAN. What happens when the Assistant Secretary gets the third class of cases?

Mr. BLACKWOOD. The result is that he is getting a class of cases which have not been reviewed by the bureau and is marking "canceled" at the rate of 50 a day.

The CHAIRMAN. Is there any truth in the statement that of the number of cases of members of the Communist Party only 12 have been deported to date?

Mr. BLACKWOOD. I do not know about that.

The CHAIRMAN. Do you know how many have been released?

Mr. BLACKWOOD. I do not know the total. I do know they are running up in the hundreds very fast. We have been getting hold of the evidence, but we have not been able to get the data to show how many have been ordered deported or how many released as yet.

Mr. Box. What authority did you present to the department to examine the papers? How did you gain access to them? Did you go to the department with the subcommittee?

Mr. BLACKWOOD. Yes, sir.

Mr. Box. The department understood you were there representing this committee?

Mr. BLACKWOOD. Yes, sir.

The CHAIRMAN. I may say for the benefit of all the members of the committee that the subcommittee went down to the department and took with them a sergeant at arms. We proposed to ask for certain papers. The subcommittee was soon satisfied that if we took those papers away we would very much disturb the files. In one particular case, the McGregor Ross case, the committee asked for the papers, making its first request on January 5. They assumed down there that they had sent those files to the committee inasmuch

as they could not find them there, but they were never sent to the committee. We appreciated the fact after going down there that to take out any number of those files would simply mean the transfer of that mess to this room, and so we decided that it was better to put two men there to examine them. The Assistant Secretary of Labor said he had no objection to that, and these gentlemen are endeavoring to do for us what we would do if we had the time to do it.

Mr. BLACKWOOD. In continuing this statement, I would like to say that several persons in the department see the abuses of the present system. Opinions written by the law division and sent in are underlined, rewritten and sent back without regard to the facts as sustained by the evidence.

The CHAIRMAN. Do the files carry those original papers?

Mr. BLACKWOOD. The original memoranda or decision prepared by the law clerk is destroyed altogether, and it is rewritten, and that is put in the record, as directed by his chief. The chief may be a layman, I do not know.

Mr. KNUTSON. By whose chief?

Mr. BLACKWOOD. Probably Mr. Post, in this case.

The CHAIRMAN. When the memorandum is sent to the Secretary or to the Assistant, are all the papers sent along with it?

Mr. BLACKWOOD. The full file, I understand.

The CHAIRMAN. So the Secretary has the privilege not only of reading the memorandum, which is a digest of the case, but also has an opportunity to study the evidence.

Mr. BLACKWOOD. It would not be so noticeable if they did not vary so. In some cases where the evidence is no stronger than any others the people are deported, while some favored individual who has been represented by Recht or some one like that, who has some one to fight for him, gets a review.

The CHAIRMAN. Do the records show the listing of any of them by the particular attorneys, or do letters appear in the dockets from these attorneys?

Mr. BLACKWOOD. There is a telegram from John Recht stating that he represented a couple of hundred of these aliens at Ellis Island, and copies of telegrams to him calling on him to appear because of the fact that they have not been permitted to interview these radicals, and he was complaining to the department, and not to the bureau.

Mr. KNUTSON. You say that wherever the bureau changes the report of the case the original is destroyed and the new report put in its place?

Br. BLACKWOOD. What I mean by that is that if you were an attorney in the department passing on the evidence and had prepared a decision for the signature of your superior officer, your superior officer would get that and then the decision would be underlined and probably totally changed.

Mr. Box. But the paper would remain intact?

Mr. BLACKWOOD. No; the paper of the law clerk is eliminated and destroyed.

Mr. Box. It is underlined?

Mr. BLACKWOOD. They write it over.

Mr. BOX. You do not see the original paper?

Mr. BLACKWOOD. No.

Mr. BOX. Then how do you know it was underlined?

Mr. BLACKWOOD. Well, I have talked with the law clerks. You could call one as a witness who could bring out the facts, a man whose business it is to do that very thing.

Mr. KNUTSON. He appears as the author of the brief that is substituted in lieu of the one destroyed, and the one that remains appears as the original work of the clerk; is that it?

Mr. BLACKWOOD. Yes; his initials are down on the corner.

Mr. KNUTSON. And it is not his at all?

Mr. BLACKWOOD. No, it is not, although it is chargeable to him.

The CHAIRMAN. The original memo—the word “memo” is used—is not as a part of the files, but they use that, or they reserve the right to take it out of the file, and the original is sent back to be rewritten, but the original is not attached to the file, but the revised memo remains in the file?

Mr. BLACKWOOD. Yes, sir.

Mr. KNUTSON. How can we go on anything we find down there if things are changed around and doctored up to suit the whims and caprices of somebody higher up who probably approaches the case with a mind already prejudiced?

Mr. BLACKWOOD. Well, I do not know.

Mr. KNUTSON. Well, it seems to me we are reaching out in the dark. Can we hope to accomplish anything after we do get the files, if they are all doctored?

Mr. BLACKWOOD. I do not mean that the evidence is doctored. I would not say that any of these last cases are doctored up in that way, but there has been a lot of previous ones where the memoranda have been ordered changed because they did not appear to suit the ideas of the man passing on the case. There are a number of memoranda in which both will appear, so that you can see the difference.

Mr. RAKER. As I understand it, this case is submitted from the Commissioner General of Immigration to the law division and then the law clerks take the testimony and the record in the case and write the memorandum as to what the decision of the department should be in that particular case?

Mr. BLACKWOOD. Yes.

Mr. RAKER. And a transcript of the record goes with the memorandum and the memorandum is then taken in and delivered to the Assistant Secretary or to the Acting Secretary of the Department of Labor. Is that the course pursued?

Mr. BLACKWOOD. Yes, sir; I understand it is.

Mr. RAKER. And the Acting Secretary has before him the memorandum, with the opinion on that case as to what should be done with it?

Mr. BLACKWOOD. Yes, sir.

Mr. RAKER. He has before him the record in the case?

Mr. BLACKWOOD. Yes, sir.

Mr. RAKER. The clerk leaves the papers with him?

Mr. BLACKWOOD. That is correct.

Mr. RAKER. He takes that memorandum, but whether he goes over the record or not you can not say?

Mr. BLACKWOOD. No; you can not say just to what extent he goes over the record. It may be that I am questioning whether or not my mind squares with him on the evidence.

Mr. RAKER. He now has the record and has the prepared memorandum, prepared by the law clerk?

Mr. BLACKWOOD. Yes, sir.

Mr. RAKER. How far he goes into the record or how much of it he reads we are unable to determine?

Mr. BLACKWOOD. Yes, sir.

Mr. RAKER. But he takes the memorandum and erases, or erases and adds, and marks the changes on this memorandum, and, of course, it would mean a different thing with the erasures and additions. So the clerk takes the paper back and rewrites the opinion according to the memorandum made by the Acting or Assistant Secretary?

Mr. BLACKWOOD. Yes.

Mr. RAKER. Then the corrected memorandum is rewritten and sent back to the Acting or Assistant Secretary, who signs it, and that becomes the final judgment of the Department of Labor?

Mr. BLACKWOOD. Yes.

The CHAIRMAN. The Acting Secretary is familiar with the provision of the law that the decision of the Secretary shall be final?

Mr. RAKER. Supposing the Acting Secretary looks over the papers in a painstaking manner and directed an entire reversal of the views of the law examiner, and the law examiner goes out and writes an opinion according to the directions of the Acting Secretary, and he brings it back, and the Acting Secretary signs it, that would be the judgment of the Acting Secretary, then?

Mr. BLACKWOOD. Yes, sir.

Mr. RAKER. In the long run that would be the judgment of the law clerk instead of the judgment of the Acting Secretary; is that not right?

Mr. BLACKWOOD. Yes, sir. But at the same time these opinions are written in accordance with the rules.

Mr. FISHER. My suggestion is that the original memorandum of the law clerk should be kept in the files also.

Mr. RAKER. You do not know whether it is kept or not?

Mr. BLACKWOOD. I understand it is not.

Mr. RAKER. What I am getting at is this: The final typewritten, corrected memorandum to be signed by the Secretary is his final judgment?

Mr. BLACKWOOD. Yes, sir.

Mr. RAKER. Irrespective of what the law clerk does or writes in the first instance, it is only a memorandum for the Secretary or Assistant Secretary to finally dispose of?

Mr. BLACKWOOD. Yes, sir.

Mr. RAKER. If he changes it, if he modifies it, or if he directs the writing of an entirely new opinion just the reverse of it, that must be his duty and his right, and he submits that to the subordinate officer to write?

Mr. BLACKWOOD. That is his unquestionable right in his position.

Mr. RAKER. Can you name any case wherein the law clerk has written an opinion or made a statement which the Acting Secretary has directed to be rewritten, and signed by the Acting Secretary,

in connection with which, in your judgment, there was any improper action taken by virtue of favoritism or by virtue of undue influence?

Mr. BLACKWOOD. I can, I think, get you a number of those growing out of those cases from Seattle, but their file numbers and the names I would not undertake to recall just now.

Mr. RAKER. What is your view as to what impelled the change in the memorandum and the change in the decision, favoritism, undue influence, or was there any unlawful means used?

Mr. BLACKWOOD. There is an influence somewhere, or else a condition of mind that is unhealthy.

Mr. RAKER. To what extent. I think that is what the committee wants to know. To what extent has what you call an unhealthy condition of mind gone, and to what results does it lead?

Mr. BLACKWOOD. It leads, in my opinion, to the rendering of our laws worthless, in that they are not enforced and they are nullified by interpretation.

Mr. RAKER. Do you figure that the interpretation is corrupt?

Mr. BLACKWOOD. It may be a question of influence, in so far as the individual is concerned.

Mr. RAKER. That is not the proposition. I want to get this fairly before the committee. Here, for instance, is a judge on the circuit or the superior bench. He renders decision after decision, and just as fast as they go to the supreme court the supreme court reverses them. Because of that reversal, do you lay it to the fact that the lower judge has done his duty and that the appellant court is corrupt, or do you figure that it is a misapprehension or a misinterpretation of the law, or want of ability to understand? Let us take a court case now. That would depend on the circumstances in each case, would it not?

Mr. BLACKWOOD. I look upon the court in a little different light.

Mr. RAKER. Why? There is a judgment which relates to a man's right that is as important as any judgment that any court could impose, and as binding, and means as much to that alien as though the Supreme Court of the United States had rendered its opinion.

The question in my mind is whether you can put your finger upon a case wherein you believe the evidence showed clearly one set of facts and the law officers of the department wrote an opinion in accordance with the facts, and the Acting Secretary, not on account of any misinterpretation of the law or misconstruction of the law, but through favoritism, or influence, or other corrupt, or——

Mr. BLACKWOOD (interposing). I do not want to use the word "corrupt."

Mr. RAKER. I will strike out the word "corrupt" and say unlawful influence.

Mr. BLACKWOOD. There are cases, I think, and I think I have read them, where a decision has been rendered, signed by the last court in this department, ordering deportation, and then later the case would be reopened, not by virtue of additional evidence but by representation of counsel. Why should that have such a great influence?

Mr. WHITE. Will you allow me to propound a question or to make a statement? I want to state this as a question to the witness, but I will not ask him to answer it.

I think, Mr. Chairman, that it is very easily possible that acting through an interpretation of the philosophy of the social idea at

the fountain of law, a man may believe a law is socially not sound, and that eventually will influence his course. Go back to the Dred Scott decision, and go back to the conflicts in the history of social organization and progress in English history and Roman history and you will see that is true absolutely, and I think it is true to-day.

I believe a man can have so much sympathy with a philosophy or a social idea fundamentally that every member of this committee would condemn as being unsound and vicious, and yet he will be so influenced, unconsciously, because he sympathizes with and believes in a certain philosophy that is so near akin to the very wicked philosophy that in its gradations is marked by steps in the social scale, up and down, and that he will unconsciously and conscientiously be influenced so that his interpretation of the law neutralizes the intention of that law.

I will ask you to state, if you care to, whether you do not believe that can be the case in the administration of the law and possibly is the case in the administration of this deportation law?

MR. BLACKWOOD. You have illustrated something there that in my mind means a condition that probably applies to a few individuals.

MR. WHITE. It is rather hard to visualize.

MR. BLACKWOOD. I do not want to apply it to the department.

MR. WHITE. I do not want to apply it personally. I am just stating the idea. The fundamental laws of a nation are merely the effort of legislatures to write the public sense of justice into statutes, but they do not always succeed.

THE CHAIRMAN. In a letter to a man by the name of Holmes in Boston, Secretary Wilson, referring to the administration of the immigration laws and the question of the expulsion of aliens, says:

For that reason my own judgment is that the question of the expulsion of admitted aliens ought to be a matter of judicial determination rather than administrative action.

MR. RAKER. Let us see what his further statement is. I want to read this in that connection. He says:

And when it is considered that most of these deportees are guiltless of any offense against our laws or abuse of our national hospitality—

He is not referring to anarchists—

but are innocent victims of disease or poverty, one might fairly say that their cases, no less than those which you cite, are deserving of special sympathy.

What difference would it make if you had the law enforced whether you had a court or whether the man who enforces the law says they are not guilty of any offense?

THE CHAIRMAN. I will put the whole letter of the Secretary in the record:

(The letter referred to is as follows:)

JANUARY 19, 1920.

HECTOR M. HOLMES, Esq.,

Fish, Richardson & Neave, Boston, Mass.

MY DEAR SIR: Acknowledging your letter of the 14th, I thank you for its considerate tone, and beg to express my cordial sympathy with its humanitarian spirit.

In administering the immigration laws I have endeavored from the first to do so with the least possible harshness. You should realize, however, that statutes which explicitly require deportation of aliens found to be within its inhibition, which do not take family suffering into account any more than

penal laws do, which of necessity must be administered through many officials at stations distant from the capital, and which involve deportation of thousands of persons annually—there were 4,000 within the 13 months prior to the sailing of the *Buford*—can not be administered without suffering to the deportees and their families. For that reason my own judgment is that the question of expulsion of admitted aliens ought to be a matter of judicial determination rather than administrative action.

As long, however, as the duty devolves upon the Department of Labor, it will continue to enforce the letter and the spirit of the law, subject only to review by the courts on writ of habeas corpus, and it will perform its functions with as little suffering to the aliens and the families as the circumstances will permit.

As yet I am unprepared to accept assertions that the *Buford* deportations were as brutal and tragical as you characterize them; nor have I yet any evidence to show that they were any more tragic than under the law is inevitable. Of the multitude of deportation cases for which the Department of Labor is responsible, and as to which it has no discretionary authority, many are tragical enough to appeal as strongly to any one's sympathies as the few which elicit yours. And when it is considered that most of those deportees are guiltless of any offense against our laws or abuse of our national hospitality, but are innocent victims of disease or poverty, one might fairly say that their cases, no less than those which you cite, are deserving of special sympathy.

Nevertheless, it is not designed or desired by this department that there should be any more suffering than is imperative under the express terms of the law. Now, was it so designed or desired in the *Buford* cases. I shall, therefore be obliged if you will advise me of specific instance of the brutality you refer to.

As to future deportations of all kinds, every effort the department can command and the acts of Congress allow will be made, as every effort was made in the *Buford* case, to minimize the inevitable suffering.

I note your statement that innocent persons are arrested and later released. The explanation probably is that proof was presented compelling the department, under the law, to issue warrants of arrest, but upon final hearing the evidence available was insufficient to justify judgment of deportation. Such instances are not unusual in deportation and in criminal proceedings.

Very truly, yours,

WILLIAM B. WILSON,
Secretary of Labor.

Mr. VAILE. Referring to the illiterates who are likely to become a charge on the community. That is the class of cases referred to there.

Mr. RAKER. He is referring to all those who went across on the *Buford*.

Mr. VAILE. No; I think not.

The CHAIRMAN. The Secretary is said to have written another statement, which I will try to get for the benefit of the committee. Let me ask the witness another question. In round numbers there were between 2,700 and 2,900 arrests made by the Department of Justice in January of people who were found to be aliens and warrants were then issued for their deportation. Are those aliens going to be turned loose; that is, all of them except the few hundred you have mentioned?

Mr. BLACKWOOD. I would think from the way they are going that would be the case, that a majority of them, or all but a very small percentage would be turned loose.

The CHAIRMAN. Do you think as many as 500 will be held for deportation?

Mr. BLACKWOOD. I understand there were from 900 to 1,000 cases in which the copies of the hearings have not been sent in, but as to

how many have been actually ordered deported, I could not say. But I think the percentage is very small.

The CHAIRMAN. Are the men lying in jail?

Mr. BLACKWOOD. The majority are out on bond or out on their own recognizance.

Mr. Box. With your permission, Mr. Chairman, and the indulgence of the committee, we are not dealing here with a trivial matter, and I know the committee does not feel it so. This state of facts here is very disturbing. There is a man who, instead of approving the record, is so out of harmony with the law that he strikes out the word "approved" and will not let it appear above his signature, but says "Ordered deported." What does that mean? Does that mean that the law of the United States meets so little favor in the minds of the men enforcing it that they will not write the word "approved" above that which is done to protect the flag and the country?

There is another circumstance that this brings out. Men who are in sympathy with the Bolsheviks of Russia, and elsewhere, so much in sympathy with them that they are enemies of our country, know where to go for help, and it seems to me there is a special meaning to it when they all pick out one man and know from one end of the country to the other, and know where to find the man to help them violate our laws against radicalism. When these subordinates read the record and review the testimony and say this man is guilty, and he ought to be deported, and then one of these men who is close to the throne of bolshevism slips in on the side—and I say slips in on the side because there is no record of a public hearing, there is no record of an open hearing in the face of the American public—and he says things in the ear of this official who refuses to use the word "approved" when enforcing our law, and induces him to reverse the finding of his trusted and sworn subordinate—and if they are not trustworthy they ought to put them out of the department—that is something that ought to be stopped.

I grant you, as Judge Raker says, that after all it is his judgment, but what I am thinking about is what is entering into his judgment, the fundamental thing that ought to be in the mind of the just judge who is administering the law. If he has contempt for it, he does not belong there. That is the way I feel about it.

I do not want to say radical or sensational things, and I want to be reasonable, as a new member of this committee, but if there is anything paramount to me it is my devotion to the law, and I believe there is a conspiracy to subvert our Government. I believe it is under a system like that such as Congressman Cooper read about in the House that absolves men from every obligation of the law, and when I find a thing like that has proven itself to be creeps up to the source of power in the Government of the United States, and is doing things such as it has done, I find something that calls for my very best thought and attention. I do not think there is anything here that we will be able to get at to impeach anybody, but I think there is something here that will call for some action to see that the law is administered in a way to serve its purpose. If the tribunal has to be changed, it ought to be done, and daylight is

a mighty good remedy. There are certain food products that require sunlight and fresh air, and apparently there are conditions here that need sunlight and air.

Mr. RAKER. There is only one way to do it, and that is to open the doors and windows and begin to get air to the fellow who knows anything, who has any information to give us. But let us get the information before we condemn the system. But whoever the man may be, I am not one of those who stand back, but I believe in hamstringing him before the committee or any other place. And let us not hesitate to do it simply because he is a public official. I am disgusted with that sort of thing; I can hardly hold myself in any more in regard to that matter. When a man who occupies an official position comes before a committee he just does what he wants to. We have gotten into the habit of saying we will be careful, but it does not make any difference who he is. It is a question of what he is doing or trying to do.

The CHAIRMAN. Here is a man who gets \$2,200 a year and who is 3,000 miles from home right now, who is under the Commissioner General of Immigration, and at our request the Assistant Secretary of Labor agreed that the Commissioner General of Immigration could lend him to us to make some inquiries. He does not desire to make statements. We are forcing him.

Mr. RAKER. I am not speaking of these men at all.

The CHAIRMAN. Is there reason to believe that the Assistant Secretary keeps a confidential file in which letters written to him, addressed to him, either at his house or at his office, with regard to these dangerous agitators are kept?

Mr. RAKER. Let us get that.

The CHAIRMAN. How? You run into a deadlock when you try to do that. If you call Mr. Post and ask him about it and he denies it then you are stopped. You have to accept his word as good. I understand that Secretary of Labor Wilson has not yet returned to his post of duty, but he is due to return. I thought this inquiry would bring him back. Another question is whether it is advisable to keep these two witnesses down there or whether they shall bring up to this committee this mass of detail. I think they ought to select specific cases, such, for instance, as where a man was due to be deported, convicted of crime, and has not been deported; also cases where aliens have been arrested and released; where they were surreptitiously in the country and should have been deported for that charge.

Mr. RAKER. We have the record before us and they are getting what we want for us, a record of these cases in which warrants have been canceled. With that general memorandum, and with Mr. Post before the committee, then upon what basis would he explain or give to the committee and to the country his view of the enforcement of this law?

The CHAIRMAN. Mr. Post will stand here and discuss whether these aliens are against this Government or not. He will discuss anarchy and the meaning of the word. He will point to the defects in the law; he will point to the men lying in jail; he will point to overwhelming raids by the Department of Justice. He will make quite

a talk. We should have a full list of the cases we desire to examine him about; we should have what knowledge we can secure from these memos and recommendations, and we should then ask Mr. Post to send for the full records in the particular cases, so that we may go over them in detail with him and see just what he has to say. All this will take time, and if the members of the committee will give the time, we will proceed along that line. In the meantime, Mr. Blackwood can assemble a list of cases, with reports and comment, and may secure stenographers and copyists to assist him.

(Thereupon the committee adjourned.)

ADMINISTRATION OF IMMIGRATION LAWS

HEARINGS

BEFORE

THE COMMITTEE ON IMMIGRATION AND NATURALIZATION

HOUSE OF REPRESENTATIVES

SIXTY-SIXTH CONGRESS

SECOND SESSION

APRIL 9 AND 10 AND MAY 25, 1920

PART 2

STATEMENT OF

C. M. PANUNZIO

Superintendent of the Immigrant Labor Division of the
Interchurch World Movement



WASHINGTON
GOVERNMENT PRINTING OFFICE
1920

COMMITTEE ON IMMIGRATION AND NATURALIZATION.

HOUSE OF REPRESENTATIVES.

SIXTY-SIXTH CONGRESS.

ALBERT JOHNSON, Washington, *Chairman.*

ISAAC SIEGEL, New York.

HAROLD KNUTSON, Minnesota.

ROSCOE C. McCULLOCH, Ohio.

J. WILL TAYLOR, Tennessee.

JOHN C. KLECZKA, Wisconsin.

WILLIAM N. VAILE, Colorado.

HAYES B. WHITE, Kansas.

KING SWOPE, Kentucky.

ADOLPH J. SABATH, Illinois.

JOHN E. RAKER, California.

RILEY J. WILSON, Louisiana.

BENJAMIN F. WELTY, Ohio.

JOHN C. BOX, Texas.

L. B. RAINEY, Alabama.

P. F. SNYDER, *Clerk.*

ADMINISTRATION OF IMMIGRATION LAWS.

COMMITTEE ON IMMIGRATION AND NATURALIZATION,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Tuesday, May 25, 1920.

The committee met at 10.30 o'clock a. m., Hon. Albert Johnson (chairman) presiding.

The CHAIRMAN. The committee will be in order.

I desire to call the attention of the committee to the fact that the hearings held before this committee in which Rev. C. M. Panunzio appeared, were held on April 9 and April 10; that these hearings have not been printed to date for the reason that Mr. Panunzio was to present certain charts, to which he referred, also his questionnaires and certain files of testimony from the Department of Labor, all of which are referred to in the hearings.

Mr. SIEGEL. Have you asked this gentleman to furnish these charts and this evidence?

The CHAIRMAN. Yes; I have made request of him for them. A subcommittee also talked with him about two weeks ago concerning finishing up the record. After that I wrote to him at his New York address. I think I have a copy of my letter.

(The letter referred to is as follows:)

MAY 19, 1920.

Rev. C. M. PANUNZIO,
*Interchurch World Movement,
45 West Eighteenth Street, New York, N. Y.*

MY DEAR MR. PANUNZIO: I beg to acknowledge your letter of recent date which was read to the members of the Immigration Committee. While a definite conclusion was not reached in the matter, it was thought best that you supply, if possible, the papers called for in the first day's hearings, so that same may be examined by the committee preparatory to printing. Kindly let me know if you can furnish same. If it is impossible to furnish particular records on file in the Department of Labor, we may be able to secure them from this end.

Yours, cordially,

ALBERT JOHNSON.

I think we should print the hearings and give Mr. Panunzio an opportunity to come in later with the matter which we called for; that is to say, his charts, etc.

Mr. SABATH. In view of the fact that we are liable to adjourn within the next 10 days, and that unless we order these hearings printed now they will not be printed at all, I move that these hearings be ordered printed and that Mr. Panunzio be given an opportunity later on to submit the matters referred to in the hearings of April 9 and 10, and that they be printed in a supplemental pamphlet.

Mr. WILSON. The printing of Mr. Panunzio's testimony has been delayed awaiting for Mr. Panunzio to furnish this additional evidence which he has had ample time to finish, but has not done so. The hearings should not be further delayed. I second the motion.

(The hearings referred to are attached.)

ADMINISTRATION OF IMMIGRATION LAWS.

COMMITTEE ON IMMIGRATION AND NATURALIZATION,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Friday, April 9, 1920.

The committee this day met at 10.30 o'clock a. m., Hon. Albert Johnson (chairman) presiding.

Present: Mr. C. M. Panunzio, in charge, as superintendent, of the immigrant labor division of the interchurch world movement, New York City, accompanied by Rev. Clyde F. Armitage and Miss Grace W. Sims.

The CHAIRMAN. The committee will be in order. There is present this morning Mr. Panunzio, who is connected, I believe, with the Rockefeller Foundation.

STATEMENT OF C. M. PANUNZIO, SUPERINTENDENT OF THE IMMIGRANT LABOR DIVISION OF THE INTERCHURCH WORLD MOVEMENT.

Mr. PANUNZIO. No, sir; Mr. Chairman, I am connected with the interchurch world movement.

The CHAIRMAN. Mr. Panunzio has been doing some work of inquiry in connection with immigration and naturalization; is that the line of your work, Mr. Panunzio?

Mr. PANUNZIO. You recollect, Mr. Johnson, that our investigation has been particularly in connection with deportations.

The CHAIRMAN. Yes; that is so.

Mr. PANUNZIO. And that you requested that I present our findings.

The CHAIRMAN. You may be seated, give your name, and proceed with your statement.

Mr. PANUNZIO. My name is C. M. Panunzio. I am in charge, as superintendent, of the immigrant labor division of the interchurch world movement, New York City.

The CHAIRMAN. You may state now, Mr. Panunzio, what your inquiries have disclosed with regard to deportations.

Mr. PANUNZIO. Mr. Chairman, it is desirable for me at the outset to make a brief reference to the way in which the Immigrant Labor Division of the Interchurch World Movement came to undertake a study of deportations. Persistent reports, emanating from various sources, came to us, stating that the families of the aliens who were deported on the *Buford* on December 21, 1919, and of those who were being held in the jails and detention stations in various parts of the country were suffering physically on account of having been left without financial resources and suffering mentally on account of having been separated from their husbands, fathers, brothers, etc., without warning, without an opportunity to render any help or to communicate with them, and without assurance of whether or no

they would ever be permitted to join their men folks again. In order to intelligently determine how far these reports were true and to ascertain what we should do in the event they were true, we initiated our investigation in order to base on actual facts a set of recommendations to our superiors.

At this point a report reached us that certain conditions existed and certain practices were being followed in connection with the Hartford County jail, in which a number of prisoners were being detained. In order to be absolutely certain——

The CHAIRMAN (interposing). That is, held for deportation?

Mr. PANUNZIO. Yes, sir. In order to be absolutely certain of the facts I personally visited the Hartford County jail on February 28, accompanied by Prof. H. P. Fairchild, of the New York University, as known to this committee, one of the foremost authorities on immigration matters in this country. This visit, however, made it plain that we should need to examine the records of individual persons before we could intelligently form an opinion.

At this state of our investigations we secured permission to examine carbon copies of the hearings of the cases of a number of men deported or held for deportation. These copies of the records were in the possession of a New York attorney.

The CHAIRMAN. Who was it?

Mr. PANUNZIO. Mr. Shorr—Attorney Shorr.

The CHAIRMAN. He is the attorney for the anarchists?

Mr. BOX. Attorney for the radicals; yes.

Mr. PANUNZIO. Here again we were face to face with all kinds of possibilities; a carbon copy of a document was for our purpose a rather dangerous ground upon which to base a reliable judgment. It was then that we approached the Department of Labor with a plea to grant us permission to examine some of the original records. We based our plea upon the fact that sooner or later the truth in regard to deportation cases would certainly come out and that with a Government like ours we had nothing to lose and everything to gain to make the facts known to the public and that nothing but ultimate good could possibly come out of a frank and honest inquiry into the facts.

A permission was graciously granted to us by the Department of Labor to examine some records, a task which we are now performing. We drew up a very exhaustive investigation blank, which is being filled out by my personal trusty assistants, who have a thorough understanding of the spirit of true inquiry in which we are approaching the investigation. I have brought copies of the blank here for the committee to examine.

The CHAIRMAN. Place one in the record at this point.

Mr. PANUNZIO. I haven't any in blank, but have one filled out, if you would be kind enough to return them. I will be glad to get one for you.

[The blank referred to has not been furnished by Mr. Panunzio at this date, May 24, 1920.—Clerk.]

Mr. PANUNZIO. On March 28 I made a second visit to the Hartford County jail, at which time, partly through the assistance of an interpreter graciously loaned by the Department of Justice representative, I interviewed 71 of the men being detained in the jail at Hartford, and I made notes on each individual case on a blank

or questionnaire which I have made and which I will be very glad to get a copy of for the committee. I have tabulated the findings of that investigation and I have them in this form [indicating] for your examination.

The CHAIRMAN. Those will be placed in the record at this point.

[The blank or questionnaire and the tabulated findings had not, to date of May 24, 1920, been furnished to the committee.—Clerk.]

Mr. PANUNZIO. This committee is respectfully requested, therefore, as I present our findings to bear in mind that we approached this investigation with a purely humanitarian and patriotic motive; that we have persistently sought to secure the facts and only the facts; that we have secured them from original sources of the most unimpeachable character and that we are conducting the investigation in the spirit of absolute open mindedness which characterizes persons or students seeking after truth.

Our investigation is by no means complete. The findings which I herewith present, in answer to the request of your chairman, Representative Johnson, are purely preliminary and are subject to such amplification or modification as a more complete examination of the facts may make necessary. I may further state that in view of the fact that the request for the presentation of these facts came only last Monday and that since then I have had to give my entire time to preparing them into suitable form, I have not had the opportunity to submit them to the proper authorities of the interchurch world movement.

As I have already indicated, the reason why we undertook this investigation was because persistent reports came to us that the families of those deported on the *Buford* were suffering very greatly. We have not been able to secure a complete list of the families, but we find at least 13 women whose husbands were deported on the *Buford*. Of those all but three had children. In the first days especially there seems to have been a great deal of distress caused by the arrests and by the consequent uncertainty on the part of the wife as to the fate of the husband. In one case the death of a child is said to have resulted from the arrest of the father.

The CHAIRMAN. Have you got the names there?

Mr. PANUNZIO. I haven't it here, sir, but we can furnish the names in case it is necessary.

Mr. RAKER. Have you a list of those wives?

Mr. PANUNZIO. Yes, sir.

Mr. RAKER. And their addresses?

Mr. PANUNZIO. Yes, sir.

Mr. RAKER. Is it on this statement?

Mr. PANUNZIO. No, sir; this is on the Hartford report.

Mr. RAKER. You just referred to so many married women whose husbands were deported?

Mr. PANUNZIO. Yes, sir.

Mr. RAKER. Have you their names?

Mr. PANUNZIO. Yes, sir.

Mr. RAKER. Can you leave them here?

Mr. PANUNZIO. I haven't them here so that I can leave them, but I will be very glad to supply them to you.

Mr. RAKER. And the addresses?

Mr. PANUNZIO. Yes, sir.

Mr. RAKER. And the number of children in each case?

Mr. PANUNZIO. Yes, sir.

Mr. RAKER. Will you supply them?

Mr. PANUNZIO. I will be glad, if it is your desire.

Mr. RAKER. Yes; we would be glad to have that.

Mr. PANUNZIO. I will do that.

[The information here called for has not been furnished to the committee—Clerk.]

Mr. PANUNZIO. In one case a miscarriage is said to have resulted. Two other wives are now pregnant. The economic distress in these cases as well as in the case of the other mothers seems to have been rather severe on account of the fact that the sole bread winner had been utterly removed. A few of the women had done some work before marriage but they found it difficult to secure jobs at present on account of having to take care of their children.

Mr. RAKER. What is the name of the mother that lost the child?

Mr. PANUNZIO. I would be glad to furnish any names that this committee desires. And I may state again, Mr. Chairman, with your permission, this is purely, as I said, a preliminary report. Last Monday we were working here in Washington when I had a telephonic communication requesting that I present these facts to this committee, and I have been spending all the time since then in preparing these facts in this preliminary fashion.

The CHAIRMAN. That is right, and we are getting what we want to know.

Mr. PANUNZIO. And I would be very glad to supply a fuller report if you desire at any time, with names and all the information.

In one case the report has reached us that the woman could not secure work because she had a husband who had been deported on the *Buford*. Actual evidence of suffering among these people we have been unable to secure. Reports have come to us that various sums have been raised and that the families have been cared for. Offers of out and out charity have been constantly refused by the women who uniformly ask for the privilege of joining their husbands wherever they are.

Mr. RAKER. I did not quite get that; what is that? What do you mean by that?

Mr. PANUNZIO. I say, that offers of out and out charity have been constantly refused.

Mr. RAKER. By whom?

Mr. PANUNZIO. By the women themselves.

Mr. SWOPE. Would you permit an interruption there; you simply interviewed these people as to their family relations, did you not; you did not go into their belief on Government at all, did you?

Mr. PANUNZIO. Are you referring, sir, to the investigations?

Mr. SWOPE. That is it exactly.

Mr. PANUNZIO. I have not come to that yet.

The CHAIRMAN. Let him proceed; we will have him several days.

Mr. PANUNZIO. As I said, sir, offers of out and out charity have been refused by the women.

Mr. RAKER. What do you mean by that; I do not get it?

Mr. PANUNZIO. That is, charity has been offered to them from various sources.

The CHAIRMAN. You understand it is a Socialist principle not to accept charity.

Mr. RAKER. I do not care anything about general principles, but I am trying to get at what he means by out and out charity was refused by these women. What do you mean by that?

Mr. PANUNZIO. Why, as far as we can discover there have been various parties that offered to support these people, and they have refused, and the only thing they ask is that they be permitted to join their husbands.

Mr. RAKER. Refused on what grounds?

Mr. PANUNZIO. Refused, so far as we can discover, from self-respect.

The CHAIRMAN. These people do not believe in charity; and they declined to accept it. Proceed.

Mr. SWOPE. All they want to do is to get what they can out of this country.

Mr. PANUNZIO. On my visit to the Hartford County jail on February 28, 1920, I discovered the following facts: Up to that date the Hartford authorities had handled 214 cases of alleged radicals, 53 of whom were deported on the *Buford* on December 21, 1919. Of the balance of the 214 cases, 64 had been released on bail and 97 were being held in the jail, on the day I visited the prison. Forty-three of the 97 who were being held had been in the prison since November 10, or three and one-half months.

These men were in individual cells in a separate part of the jail. At each end of each tier of cells there were three cells or six for each tier in which, on account of the concentration of steam pipes, the air was very hot and suffocating. The men in these cells were either naked or had very little clothing on. They complained bitterly of not having sufficient air. Three of them said that if they were kept in such conditions much longer they would die of consumption. I took the liberty of calling the attention of the prison officer who was accompanying me to this state of things. He stated that there was so much red tape involved that it was not worth while to transfer the men to the cells which were vacant in the center of each tier.

A number of men complained that they had not been able to secure news from their friends; that they had been held incommunicado; and that they had not been permitted to be visited even by their families. While in a certain office I noticed that a number of letters were being held on a desk and being examined by a subordinate official. While I was in the prison I also heard a prison official refuse a man the permission to write a note to hand out to his wife who was outside.

While at the courthouse I also noticed a woman waiting shyly outside, and I inquired of her what she wanted. She told me that she was very desirous of visiting her brother who had been in jail for a month and whom she had not been able to see. She received a permit and she was brightened up considerably when she stated that this was the first time she had been able to visit her brother.

On March 25 I again visited the Hartford County Jail and took the individual records of 65 men as shown in this tabulated chart.

The CHAIRMAN. Your entire chart for Hartford is here?

Mr. PANUNZIO. Yes, sir.

The CHAIRMAN. That will be inserted in the record.

(The report has not been presented to the committee for publication in the report of the hearing.)

Mr. PANUNZIO. These records show that of the 65 men questioned, 31 were Russians, 4 Lithuanians, and 4 Polish. In two cases there was no record of their nationality. The ages of these men ranged from 21 to 54 years, 13 being under 25 years of age; 23 between 25 and 30 years; 15 between 30 and 35; and 9 were 35 and over.

These men had resided in the United States for periods ranging from 3 to 18 years. One man of 38 years of age had been in this country 13 years; another 32 years of age had been in this country 14 years; another of 40 years of age had been in this country 16 years; and still another 54 years of age had been in this country 18 years.

The length of time that these men had been in jail varied from one month in the case of 9 men to four months in the case of 11 men.

The CHAIRMAN. Let me interrupt you. I have not seen your chart. Now, in interrogating these men that had been in the United States these years, did you make any inquiry as to whether they had made any effort to secure naturalization?

Mr. PANUNZIO. I will come to that presently.

Mr. SWOPE. How many of these men were married?

Mr. PANUNZIO. Just presently I will come to that.

The CHAIRMAN. Go ahead.

Mr. PANUNZIO. Thirty-four of the men had been in jail for four months. Thirty-four of the men with whom I talked were single and 22 were married. In the case of 17 of these the families were in this country. In the case of five the families were in Europe. Twelve of the 22 had children.

With regard to membership in proscribed organizations, 39 acknowledged such membership.

The CHAIRMAN. What do you call proscribed organizations?

Mr. PANUNZIO. Well, all the organizations that have been proscribed according to the ruling of the Secretary of Labor.

The CHAIRMAN. Let us get your view, just what the ones are, or what your belief of that ruling is?

Mr. PANUNZIO. I understand from the ruling of the Secretary of Labor—I have no opinion about it, but just simply what the Secretary of Labor states in his ruling.

The CHAIRMAN. You understand it enough to come to that conclusion?

Mr. PANUNZIO. Yes, sir.

The CHAIRMAN. Well, what is it?

Mr. PANUNZIO. I understand it is the Communist Party, the Communist Labor Party, and the Union of Russian Workers.

The CHAIRMAN. Now, do you include just those in those societies, or do you include those who personally have stated that they believe in the overthrow of organized Government?

Mr. PANUNZIO. I will come to that.

The CHAIRMAN. Well, proceed.

Mr. PANUNZIO. With regard to membership in proscribed organizations, 12 were members of the Union of Russian Workers, 22 were members of the Communist Party, 2 were anarchists, 2 were Socialists, and 1 man was a member of the I. W. W.

When asked whether they desired to remain in the United States or to go to Europe, 16 expressed the desire to stay in this country and 40 wanted to return to Europe. The others who answered were

indifferent as to whether they stayed here or went back to Europe. One man who wished to stay in this country had received a letter from his wife stating that she had started for the United States. He wanted to be released in order that he might meet her. This man was 36 years of age and had been in this country eight years. First he stated that he did not know why he was arrested, but subsequently he admitted of being a philosophical anarchist.

One man, a printer, married, and with four children, who had been in this country for 15 years, said he was desirous of remaining in this country unless he could be deported with his wife and children. He had been arrested on February 6, and the very day on which I visited the prison he said that he had received a letter from his wife in which she stated that she had given bail on the previous Monday. He did not understand why he had not been released.

The CHAIRMAN. Have you got his name so that you can identify the man? Make a note there to find this particular printer's name and nationality; you can find it later and put it in the record. A copy of the record will be given to you.

[The name and information here requested have not been furnished by Mr. Panunzio at this date, May 24, 1920.—Clerk.]

Mr. SWOPE. Would you mind answering an individual question, or are you wedded to your manuscript?

Mr. PANUNZIO. I would very much like to finish my statement. I am your guest here and have answered the request of the chairman to present this information, but, as I said, it is a preliminary statement, and I will be glad to present the real findings when we get to them.

The CHAIRMAN. Go ahead.

Mr. PANUNZIO. One case was very striking. It was that of a man of 54 years of age who had resided in the United States for 18 years. This man spoke English very well. He had been in jail since November 10 and was very emphatic in disclaiming membership in or even knowledge of the proscribed societies. His wife had been unable to secure bail for him. The strain under which this man had been laboring had affected him to such an extent that the jail authorities had become worried concerning his physical condition. During this last visit of March 25, which I am describing, I saw him out of his cell. He had been permitted for the two weeks to be out of his cell much of the time. This man pleaded with me to interest the proper authorities in his case as he was not in any way guilty and, of course, he wanted to remain in this country, where he had been, as I stated, for 18 years.

The CHAIRMAN. You may put his name in the record at this point.

[The name here requested has not been furnished by Mr. Panunzio.—Clerk.]

Mr. PANUNZIO. Upon my arrival in Washington the record of this man was looked up and the statements of the man were found to be true, and as there was no evidence against him, I am informed that his warrant was canceled on April 3. This man had been in jail five months.

Thus far we have examined 73 of the original records of these men here in Washington.

The major facts which have been discovered by this investigation thus far are as follows:

There are three main classes of alleged radicals who have been arrested and either have been deported or are being held for deportation.

First, those clear cases of men who belonged to proscribed societies or organizations and who as individuals believe in the overthrow of the Government of the United States.

The second class is made up of men and women who were transferred from the Socialist Party in September, 1919, into the Communist Party either without their knowledge or approval or without realizing what the transfer meant or that the Communist Party would fall within the proscribed class.

The third class is made up of persons who disclaim in any way of having belonged to any of the proscribed organizations, and who, as individuals, are not opposed, but are distinctly in favor of the Government of the United States and of American life in general and who express a desire to remain in this country.

Of the 73 cases which we have carefully examined, we find that 29 belong to the proscribed organizations. Of these, 11 belong to the Communist Party and 18 to the Union of Russian Workers. Of these, 8 of the Communists have been ordered deported, in 3 cases the warrants have been canceled, and in 1 case the proceedings have been stayed. Of the Union of Russian Workers, 9 have actually been deported, 5 have been ordered deported, and 1 each had the warrant canceled and proceedings stayed. One case was paroled.

Looking at these facts more closely, we find that about 10 per cent were less than 25 years of age, whereas over half of the men were between the ages of 25 and 35 years. In the light of these findings the time these men have been resident in the United States is not without significance. Only 3 have been in this country less than 5 years, while 57 have been here from 5 to 10 years, inclusive. Ten men have been in this country over 11 years. Following the length of residence in the United States an examination of the records of these men as orderly members of the community shows that less than five had ever been arrested before. Over half of the men were married and practically all had their families in this country. Only 10 had a wife or children still in Russia.

Records show that 30 per cent of the 73 cases examined were listed as Communists who had automatically become so because the Socialist organization to which they belonged had changed to a Communist organization. In other words, they may be classified as Communists by transfer. In many instances the testimony shows that the alien did not understand the charge which had been made.

The CHAIRMAN. Let me ask a question right there—if you haven't the answer you may find it and put it in: Had these communists, any percentage of them, who claimed they did not know they had been transferred, paid dues to the Communist Party?

Mr. PANUNZIO. That comes out later.

The CHAIRMAN. All right.

Mr. PANUNZIO. Eleven were out-and-out communists, 5 were socialists, 18 were members of the Union of Russian Workers, and 6 were attending classes at the school run by the Union of Russian Workers. Eleven belonged to no party and had no organization affiliation.

Mr. RAKER. Is that a regular school conducted by the Russian Workers that these people attended?

Mr. PANUNZIO. It was a school conducted in the same house where the headquarters of the Russian Workers was. It was not clear that it had any connection at all. Some were taking instruction in the languages, and some in electricity, and so on.

Now, as to the attitude of these men toward deportation.

When questioned about their wishes in the matter of deportation, the records show that about half (29) said that they were willing to go, but practically all went on record as saying that they wished to go voluntarily and did not wish to be sent. Others were willing to go if found guilty of the charges against them, which they denied, feeling that they did not wish to stay in a country where injustice had been meted out to them. Thirty of these cases showed no record of the attitude of the men about this matter. Of the 41 cases which gave data on this point; 6 men were on record as being most emphatic in their desire to stay in this country. Only 8 of the 41 cases exhibited any indifference in the disposition of their cases.

Final dispositions showed that 24 were canceled; 18 were ordered deported; 18 were deported; 3 are pending; 2 have been released.

The CHAIRMAN. Now, up to what date?

Mr. PANUNZIO. Up to yesterday.

Another fact brought out by an examination of the records of these cases showed that 28 men were arrested before their warrants were issued. In one instance the arrest antedated the warrant by 27 days; in two other instances 13 days and in two more 10 days. Records did not always give the date of the arrest so that there may have been a greater number of arrests before the issuance of warrants than is given here.

Now, of the three classes which I have mentioned, we have subdivided those who have already been deported and those who are being held. I now will give a typical case of those who have been deported so far as we can get at the records. First, the case of an extreme radical. As an example of an extreme radical I cite the case of Adolph Schnabel Delass—

The CHAIRMAN. Your study of deportation, or study of cases of deportation, begins about the time of the deportation on the *Buford*?

Mr. PANUNZIO. Yes, sir.

The CHAIRMAN. And has nothing to do with the other 60 cases for the previous period of about two years?

Mr. PANUNZIO. Except this testimony; as we have taken the records we have taken them as they come. We have not selected specific cases, except in two or three, or at the most five or six specific cases.

The CHAIRMAN. Have you got any study there of the deportation of Emma Goldman?

Mr. PANUNZIO. We have taken the cases just as we have come to them.

The CHAIRMAN. You expect to reach Emma Goldman's case in time?

Mr. PANUNZIO. I don't know, sir; we may.

The CHAIRMAN. And Alexander Berkman?

Mr. PANUNZIO. Yes, sir.

The CHAIRMAN. And Peter Bienki?

Mr. PANUNZIO. I think we have Peter Bienki.

As an example of an extreme radical I cite the case of Adolph Schnabel Delass, a Russian of 36 years of age, a machinist by trade, who had been a resident of the United States for 12 years. He was arrested at Duquesne, Pa., on February 12, 1919, while delivering an address. The warrant of arrest was issued on February 15 and the alien was given a hearing at Pittsburgh on February 17. Schnabel Delass admitted that he was an anarchist and that he was a member of the Union of Russian Workers. He declared himself against all forms of organized government. He was released on bail of \$1,000.

Despite the alien's admission of radical beliefs it was discovered that the charges contained in the warrant of arrest were not technically suited to meet the requirements of the case. The inspector in charge at Pittsburgh was directed to accord the alien a further hearing, on the charge that he was an anarchist and disbelieved in all organized government, etc. Before the case could be reopened, however, Schnabel, who had been released on bond, left for New York to engage in further radical activities. The matter was therefore referred to the New York office.

In October, 1919, Schnabel was taken to Ellis Island. Hearings were held on April 9 and June 4. At these hearings Schnabel again admitted his belief in anarchism and again stated that he disbelieved in all organized government. He was recommended for deportation to Russia on the ground that by his own admission all of the charges against him had been clearly established. Schnabel was deported to Russia on December 21 on the *Buford*.

The CHAIRMAN. Members of this committee interviewed Schnabel at Ellis Island. He is an extreme revolutionist. He was a secretary of the I. W. W. in Seattle, a promoter of the general strike there, and a pronounced advocate of force and violence. Proceed.

Mr. PANUNZIO. On the other hand, we have an example of persons who may have been innocently deported.

As an example of persons who may have innocently been deported, I cite the case of Joseph Polulech, who was deported on the *Buford*, December 21, 1919.

I have personally examined this case of Polulech because it was brought to my attention by several reports. Upon records and upon statements made by the pastor of the Church of All Nations in New York City, of which Mr. Polulech was a member, I base the following statement:

Mr. Polulech came to this country in 1912 and the following year became a member of the Church of All Nations. His pastor had known him even before that time and considers his character above reproach. During the war Mr. Polulech acted on a Liberty-loan committee and was an officer in a church organization known as the Brotherhood.

Mr. Concevitch, pastor for the Russian people at the Church of All Nations, was unable to start the evening classes, of which Polulech had formerly been a member, last fall. Because of this Polulech went to the People's House for night instruction. Being bright and trustworthy, he was made an officer in the school. He was at the school Friday, November 7, when it was raided, and was arrested. On the Wednesday evening preceding this raid, according to the testimony of Mr. Concevitch, he had attended the monthly meeting of the

Church of All Nations. After his arrest he wrote almost daily to Mr. Concevitch. [Copies not furnished.—Clerk.] Mr. Concevitch answered some of the letters, but Polulech never mentioned having received any answers.

Dr. Henry, pastor of the Church of All Nations, protested to Mr. Stevenson, of the Lusk investigating committee, and stated that Polulech was not a communist. He received no reply.

Mr. Concevitch, the Russian pastor, says it would have easily been possible for Polulech to have been furnished with bail, but neither Polulech nor his friends believed it possible that the authorities would deport a man against whom they had no evidence except that he was found studying at the People's House.

Mr. RAKER. Just before you leave that case let me ask whether or not you made an examination of the records of that case here in the Department of Labor?

Mr. PANUNZIO. Yes, sir.

Mr. RAKER. He was given a hearing?

Mr. PANUNZIO. Yes, sir.

Mr. RAKER. Was testimony taken?

Mr. PANUNZIO. Yes, sir.

Mr. RAKER. What does the record show relative to counsel?

Mr. PANUNZIO. Exactly what you have in there.

Mr. RAKER. What does the record show? Does the record show that he was denied counsel, or that he was advised counsel would be given him if he wanted it?

Mr. PANUNZIO. I haven't the record here; I do not recollect now. I examined it some time ago, just glanced it over, and I remember of an officer in the Department of Labor stating that probably there had been an error made in that case.

The CHAIRMAN. Who was the officer?

Mr. PANUNZIO. I prefer not to mention the names, Mr. Chairman, unless it is necessary.

Mr. RAKER. I think it quite necessary myself. I would like to know, because I expect we will get and have inserted in the record the testimony in the case, all of it.

Mr. PANUNZIO. May I say that during the last week or so we have persistently sought to get that record back; we have not been able to do it.

The CHAIRMAN. For what reason?

Mr. PANUNZIO. I don't know; it has not come down to us.

The CHAIRMAN. Let us make that clear: You are working at rooms in the Department of Labor?

Mr. PANUNZIO. We are examining, as I stated, in the preliminary statement, that we came to the Department of Labor—

The CHAIRMAN (interposing). Never mind what you stated or what you have to read from your paper; tell me offhand. You are working in rooms in the Department of Labor?

Mr. PANUNZIO. Yes, sir.

The CHAIRMAN. You state that you have asked for the record recently?

Mr. PANUNZIO. Yes, sir.

The CHAIRMAN. And have been told that it is not available?

Mr. PANUNZIO. No, sir.

The CHAIRMAN. What have you been told?

Mr. PANUNZIO. We have just been waiting for it; it has not come.

The CHAIRMAN. You have no letter saying it is not ready?

Mr. PANUNZIO. No, sir. May I further state that the friends of Mr. Polulech are anxious to petition the Department of Labor to reopen the case, and we are in hopes that that will be done and very soon we are in hopes to petition the authorities to do that.

Mr. RAKER. What was he charged with being?

Mr. PANUNZIO. A member of the Communist Party, and of the Union of Russian Workers.

Mr. RAKER. And testimony was taken?

Mr. PANUNZIO. He denied it. He simply said—he says, “I am not a member of the Communist Party, and not a member of the Union of Russian Workers; I am only a member of the Methodist Episcopal Church on Second Avenue, New York City.”

The CHAIRMAN. He admits, in effect, that it is a case of old dog Tray; he got into bad company.

Mr. RAKER. Let us see. Was the testimony taken before the commissioner or the inspector relative to his standing and attitude in his works and conduct?

Mr. PANUNZIO. Presumably, sir.

Mr. RAKER. Well, you have looked over this record?

Mr. PANUNZIO. Yes, sir.

Mr. RAKER. Does that record show that it was—of course, if you do not remember—

Mr. PANUNZIO (interposing). I do not remember.

The CHAIRMAN. We will get the file. I will attend to it personally, and place it in this hearing.

(The file referred to by the chairman follows. In presenting the file at a subsequent meeting of this committee the chairman called the attention of the committee to it in the following statement:)

The CHAIRMAN. I have secured the testimony in the case of Polulech. His trouble was that he stood mute when he was granted a rehearing. He was given a chance; he declined to take it, hence his deportation. The evidence secured from the files of the Department of Labor follows:

In the case of Joseph Polulech, alias Balluch, who was arrested on department warrant 54709/449 and deported to Russia on the *Byford* December 21, 1919, Polulech was given two hearings. The testimony taken in the two hearings is as follows:

98759/311.

HEARING IN THE CASE OF JOSEPH POLULECK, ALIAS BALLUCH.

Arrested on department warrant.

Present on behalf of the Government: C. I. Jones, inspector; Frank Just, interpreter; Inspector Jones acting as secretary.

The alien was present in person.

Hearing held at Ellis Island, New York Harbor, November 9, 1919.

Alien brought from New York November 8, 1919.

Department warrant No. 54709/449.

That he is an alien anarchist; that he believes in the overthrow by force or violence of the Government of the United States; that he advocates the overthrow by force or violence of the Government of the United States; that he disbelieves in all organized government; that he is an opponent of all organized government; that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that teaches disbelief in all organized government.

Alien, sworn, testified:

I am willing to take the oath, but I would tell the truth without it.

- Q. What is your name?—A. Joseph Poluleck.
- Q. How old are you?—A. Twenty-seven.
- Q. Where do you live?—A. No. 212 Avenue B, New York City, where I live with my brother, John Poluleck.
- Q. Where were you born?—A. Malaia Swarotwa, Grodno, Russia.
- Q. Race?—A. Russian.
- Q. Married or single?—A. Single.
- Q. When did you come to the United States?—A. April 3, 1913, on the steamship *Laplond*, sailing from Antwerp and landing in New York.
- Q. As a passenger?—A. Yes.
- Q. Resided here continuously since that time?—A. Yes.
- Q. I show you department warrant of arrest charging you with being an alien anarchist; that you believe in the overthrow by force or violence of the Government of the United States; that you advocate the overthrow by force or violence of the Government of the United States; that you disbelieve in all organized government; that you are an opponent of all organized government; that you are a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that you are a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; and that you are a member of or affiliated with an organization that teaches disbelief in all organized government. This opportunity is given you to show cause, if any there be, as to why you should not be deported.—A. There is not a word of truth in the charges; I am not an anarchist and I am not affiliated with any organization of that kind. I belong to the Methodist Episcopal Church, Second Avenue, New York City. They have a Russian branch to that church.
- Q. You have the privilege of being represented by counsel. Do you wish to engage counsel?—A. I would like somebody to represent me because I am an innocent man charged with all those dreadful points.
- Q. Do you wish to proceed further with the examination?—A. Yes; because I can not tell anything more to a lawyer or through a lawyer than I can to you. I am ready to answer questions; I waive right to counsel.
- Q. Occupation?—A. I am a packer for the American-European Distributing Co., 33 Essex Street, New York.
- Q. Are you an anarchist?—A. I am not.
- Q. Do you believe in the overthrow of the Government of the United States, or of any organized government?—A. No.
- Q. Do you disbelieve in organized government?—A. No; I believed in organized government.
- Q. Are you opposed to organized government?—A. No.
- Q. Do you think the Government of the United States is a good one?—A. Yes.
- Q. Are you a member of any organization that disbelieves in organized government?—A. No; I am not a member of any organization.
- Q. Are you a member of the Union of Russian Workers?—A. No.
- Q. Did you ever belong to any organization?—A. No; never.
- Q. Do you belong to a union?—A. No; I do not belong to anything but the church.
- Q. Do you belong to the Communist Party?—A. No.
- Q. Have you ever declared your intention of becoming a citizen of the United States?—A. No.
- Q. Where were you arrested?—A. People's House, 133 East Fifteenth Street, New York City.
- Q. What were you doing there?—A. I was there studying mathematics.
- Q. Were you going there constantly?—A. Since September, when this school started.
- Q. What is this school?—A. I enrolled for arithmetic and the Russian language.
- Q. What do they call this school?—A. Soviet School.
- Q. Do you believe in the Soviet Government?—A. It is against my ideas; but this is the only school that I know of. I used to attend night school (public school), but could not attend steadily as sometimes I had to work late nights.
- Q. The warrant provides for your release pending further proceedings under bond in sum of \$1,000?—A. I think I could get it, but it is rather high for me to get.
- Q. Do you intend to remain in the United States?—A. I intend to go back to Russia, but I do not know whether I would remain there or not.
- Q. Have you read any books on anarchy?—A. I have never read any literature of that kind. I am interested only in Russian literature which has no connection with or bearing on political things.
- Q. Have you any further statement to make?—A. The charges are not true. I am not an anarchist. I have told everything I know. I do not see how a lawyer can do

anything for me and I waive the right of counsel. Everything mentioned in the charges against me are entirely against my ideas. If desired I can prove that I am not that kind of a person. The people from my church will tell you what I am.

FURTHER HEARING IN THE CASE OF JOSEPH POLULECK, ALIAS BALLUCK. .

Arrested on department warrant No. 54709/449.

Present on behalf of the Government: Inspector, Charles I. Jones; interpreter, R. Volovick; stenographer, Murray J. Craner.

The alien was present in person and testified in Russian, and was represented by Counsel Isaac Schorr, of 149 Broadway, New York City.

Hearing held at Ellis Island, New York Harbor, November 25, 1919.

By Inspector JONES:

Q. Do you swear to tell the truth?—A. I refuse to answer until the promise given to us to have interviews without any petition will be granted.

Q. Your refusal to answer may be used against you in these proceedings. Are you a member of the Union of Russian Workers?—A. This question was asked already, I do not see any need to repeat it, and I state again that to-day there will be some friends coming to see us. If our desire about the interviews will be granted, then I will be willing to answer all questions. I will not answer any questions until then because the promise was broken before.

Q. You were arrested at the Peoples House at 133 East Fifteenth Street, were you not?—A. No answer.

Q. That address is the New York headquarters of the Union of Russian Workers, is it not?—A. No answer.

Q. I read in the record from pages 2 and 3 of the membership book of the Union of Russian Workers.

TRANSLATION FROM RUSSIAN ANARCHIST MEMBERSHIP BOOK.

Red cover: "Federation of Unions of Russian Workers of the United States and Canada. No. ____.

Page 1: "Liberation of workers must be the concern of workers themselves.

"Federation of Unions of Russian Workers of the United States and Canada [oblong seal of the group].

"First name, ____; last name, ____.

"Month, ____; date, ____; year, ____."

Page 2: "Fundamental principles of federation:.

"The present society is divided into two different classes; on one side are the unfortunate workers and peasants, creating and producing all the wealth of the world, on the other side are the rich who seize all this wealth into their hands.

"Many times this class of unfortunate revolted against these rich parasites and their faithful servant and protector, the government, in order to obtain their full liberty from the capital and membership, but every time they suffered a defeat, because, not knowing the necessary ways and means to employ through which they could gain their liberty, they only appeared as instruments in the hands of their enemies.

"The struggle between these classes still continues at the present time and will only terminate when the laboring masses are organized as one class, apprehend their substantial interests and take possession of all the wealth in the world through the violence of social revolution.

"After accomplishing the overthrow and destroy simultaneously all institutions of government and ownership, this class of unfortunates must proclaim a society of independent producers who will be compelled to give satisfaction to the demands of every separate person who gave in turn their labor and knowledge to this society.

"The first plan necessary to attain our aim, is, to create a large class of revolutionary organizations of laborers who will conduct an immediate combat with all institutions of capitalism and ownership."

Page 3: "We must teach the working class to take the initiative and self-activeness in all the movements, that is to develop the knowledge in them in this manner of the necessary and inevitable strike of the social revolution.

"Therefore we are organizing in unions of Russian workers. We are the part of aborers of the world, will lead forward in all future work, so that the principles laid down in the federation will always be as a directing string for us, and in the affairs of a large organized masses of Russian immigrants for a quicker liberation of Russia and all humanity.

MEMBERS CONTRACT OF UNION OF RUSSIAN WORKERS OF THE
UNITED STATES AND CANADA UNIFIED INTO FEDERATION.

"PURPOSE OF FEDERATION.

"1. Unification of the organizations of Russian Workers of the United States and Canada for compatible struggle with capitalism and ownership.

"2. To support liberation movement in Russia.

"3. To support the revolutionary salients of workers in America.

"4. Moral and materialistic support of the organ of federation." [Anarchist publication whatever it may be.]

Page 4:

"5. Create organizations where there is none and support the organizations already created.

"BY-LAWS OF THE ORGANIZATION.

"Members of one union are qualified members of every other union in the federation.

"All organizations entering into federation benefit themselves with full autonomy, giving one another a larger material and moral support.

"SUBSISTENCE OF THE FEDERATION.

"All resources of the federation are composed of 10 cents deductions from the monthly dues of the members of the organization and voluntary contributions.

"ADMINISTRATION OF THE FEDERATION.

"For carrying on the business of the federation, secretary-treasurer is elected who handles all correspondence of the business of the federation.

"FOR THE INFORMATION OF MEMBERS OF FEDERATION.

"From dues of every member of the organization is deducted monthly as follows: Into fund for printing machine, 5 cents; into fund of federation, 10 cents."

Do you believe in the principles set forth in this membership book?—A. No answer.

Q. You are advised that the bond in your case has been increased from \$1,000 to \$10,000. Can you furnish such a bond?—A. No answer.

Attorney Schorr does not wish to examine the alien.

Hearing adjourned pending subject to call of Government.

Mr. RAKER. Just one further question. Was his statement taken before the inspector on the hearing, do you know?

Mr. PANUNZIO. I do not recollect. The point is in that case that I came to Washington immediately after visiting the Hartford County Jail. Simultaneously the friends of Mr. Polulech had gotten in touch with him, and while I came here and went to the Department of Labor and requested if they would not graciously grant me permission to look over that case. They did. I did not fill a blank, as it is our custom with all cases, just simply glanced it over hurriedly and was convinced that the reports of these friends were true, a report which has been given wide publicity in church circles. I wanted to be sure whether they were on the right track or not. And so I went to the Department of Labor and they very graciously accorded me the privilege of glancing it over. This I did hurriedly and was convinced that it corroborated the statements that had been made, and as soon as my workers came here they had instructions to get the record. I was in hopes this morning not only of bringing you this general statement, but of bringing you the blank filled in as a blank is filled in in the case of any other person.

The CHAIRMAN. Now, let us make it clear before we go on with the next case. You are down in the Department of Labor in your capacity as an investigator and sent there by what society?

Mr. PANUNZIO. The Interchurch World Movement.

The CHAIRMAN. Now, you are down there—let us get an exact statement from you.

Mr. PANUNZIO. I have already made the statement——

The CHAIRMAN (interposing). I want to get it in cross-examination. What is your capacity down there?

Mr. PANUNZIO. I will read once more the statement.

The CHAIRMAN (interposing). No; don't read it; tell me; I don't want you to read it; tell me. That is in the record. You are an investigator for the Interchurch World Movement?

Mr. PANUNZIO. Yes, sir.

The CHAIRMAN. In regard to deportation cases?

Mr. PANUNZIO. Yes, sir.

The CHAIRMAN. You are not there to make an especial appeal in behalf of any one deported person?

Mr. PANUNZIO. Not deported persons, but I have felt personally that I was certain, from my knowledge of the fairness of all committees and legislative bodies, that if it was found that any of these cases proved that they have been perhaps in error, due to the fact that there had been these large raids, I felt perfectly confident that perhaps proper measures would be taken whereby some of these innocent persons might be freed. On the other hand, we simply are making a perfectly impartial study in order to discover exactly what the facts are.

The CHAIRMAN. That is exactly what this committee is trying to do, and we are very much interested in your statements.

Mr. RAKER. You investigated that record to determine whether or not this man was given a hearing?

Mr. PANUNZIO. No, sir; I examined the record in order to ascertain whether the reports that were being circulated were true or not true. The reports which are circulated are true. I simply glanced over the record for the purpose of ascertaining whether the reports were true, preparatory to our making a more careful investigation of the case as soon as we were granted permission to look into the records.

Mr. RAKER. Now, was it told you that that case was decided improperly, or a mistake was made in it?

Mr. PANUNZIO. Perhaps I should state, instead of making that statement just in the way that you put it, that I was assured after a careful examination of the record, if it was found that there was an error, that the authorities—the proper authorities—would gladly grant a reopening of the case.

Mr. RAKER. Well, that is quite a different viewpoint than the statement you made a moment ago, that you were advised by one of the officers down there that he was fairly well satisfied that a mistake had been made in that case. Now, if you want to change that, I wish you would give the committee just as you understand it.

Mr. PANUNZIO. The statement I previously made is correct.

The CHAIRMAN. All right.

Mr. PANUNZIO. Another example of those deported without belonging to a proscribed organization is that of Nikolai Koropotko, a Russian 29 years old who had been in the United States nine years. This man had tried twice to become a citizen, having applied for first papers in 1911 and again in 1912. His application was refused

both times because he did not know English. He was arrested on November 7. A telegraphic warrant was issued on November 8 and the formal warrant was signed on November 10. The alien was given three hearings at Ellis Island. Each time he denied being a member of the Union of Russian Workers, stating that he attended the school which was held in the building where the union had its headquarters. Koropotko had been a laborer in the Federal shipyards and had never been arrested before. When asked whether he wished to make any statement concerning his possible deportation he replied, "I want to go back because the American Government showed it did not want me here. First, they refused to give me papers when I applied for them. Second, they arrest me and keep me here three weeks without any reason so I want to go back to Russia so as not to be in the way of the United States Government." Koropotko's wish was granted. He was deported on the *Buford* on December 21.

Mr. RAKER. What was he charged with in the charge made against him?

Mr. PANUNZIO. Being a member of the Union of Russian Workers; belonging to the Union of Russian Workers.

The charges in these cases, I found, are practically the same. They were always charged with being an anarchist and believing in the overthrow of the American Government, and a disbelief in all organized governments; it was a charge of five or six lines. It was always practically the same. In different parts of the country it varied a little, or was a little different, but it was always to the same effect.

Mr. RAKER. Was a hearing held and testimony taken with reference to the belief of this man?

Mr. PANUNZIO. Yes; hearings were accorded, I think, at Ellis Island, and the alien was asked in almost every case—occasionally it did not come out in the hearings; sometimes he was asked if he believed in organized government and sometimes he was not; sometimes he was specifically asked if he believed in the Union of Russian Workers and sometimes he was not. There was no stated form of hearings. Sometimes certain things were brought out at one hearing and certain things at another, and usually the alien was asked if he had a statement he wanted to make in regard to his deportation, and in these statements usually came out the desire or statement of the alien; in this one statement I have quoted the exact words. Frequently that was found to be the case—that in that one last statement they brought out their own feeling in the matter.

Mr. RAKER. Well, did he admit that he was a member of the Russian Workers?

Mr. PANUNZIO. If I remember this case correctly that question was asked and he specifically denied it. He stated he was a member of a school.

The CHAIRMAN. Now, go ahead.

Mr. PANUNZIO. I have mentioned thus far the straight radicals deported and one case deported which was alleged—the man not having belonged to any of the proscribed organizations—and another case of a deported man, a man that was attending school at a building owned by the Union of Russian Workers.

Now, I mention the case of David Bavly, a young man 27 years of age and a graduate of the University of Michigan. He was arrested in Detroit, charged with membership in the Communist Party, and was given a preliminary hearing on January 8 and regular hearings on February 2 and 20. An order for deportation was issued on April 2. Bavly has been a member of the Socialist Party of Michigan for the past five or six years. The particular local to which he belonged was transferred to the Communist Party in September, 1919, and the alien automatically became a member of that body.

Mr. BOX. May I ask a question? May I ask if you know how that transfer was made. Whether locals were consulted or whether some officials at the top undertook to transfer the men en masse?

Mr. PANUNZIO. I have no knowledge of that subject.

The CHAIRMAN. You have not investigated that phase of it?

Mr. PANUNZIO. No, sir.

The CHAIRMAN. Let men ask you: You say this man was a graduate of the University of Michigan?

Mr. PANUNZIO. Yes, sir.

The CHAIRMAN. A bright man?

Mr. PANUNZIO. I was going on with that.

The CHAIRMAN. All right, go on; we will see whether he knew what he was doing. The committee knows about Bavly and his activities.

Mr. PANUNZIO. May I state again, what is evidently not being borne in mind here, that this is merely a preliminary report; we are not ready to make a report, but I have come here before you merely at the request of your chairman, and I would not yet have sought in any way to present these facts. I was collecting them and was planning within a month to have a complete report. Now, when that report is made in full, it will only be a pleasure to me to answer any summons from this committee or from anybody, because we want to obey and serve. So this statement is strictly preliminary, and all these particular phases we have thought of, but we have not as yet had an opportunity to make a careful investigation in full.

Mr. RAKER. May I ask this question right here so that we will get it in later: This Russian school is conducted by the Russians by volunteer contributions?

Mr. PANUNZIO. I have no personal knowledge and have not investigated that matter yet.

Mr. RAKER. And when you speak of their attending the school you are not able to tell the committee what they teach in that school relative to the Communist Party or the Russian Workers?

Mr. PANUNZIO. No, sir.

Mr. RAKER. All right.

Mr. PANUNZIO. You understand that these records are taken from the hearings. We have abstracted these from the hearings, which we have had access to.

Mr. RAKER. Yes.

Mr. PANUNZIO. As I was stating, Bavly has been a member of the Socialist Party in Michigan for the last five or six years. The local to which he belonged was transferred to the Communist Party September, 1919, and the alien automatically became a member of that party.

Mr. RAKER. Now, that statement, did you get that from the record?

Mr. PANUNZIO. Yes; this comes from the record at the hearing.

The branch of the Socialist Party to which the alien belonged had made no application for a charter in the Communist Party previous to the time of his arrest, and no evidence is submitted to prove a contention to the contrary. Moreover, Mr. Bavly has not signed a membership card of the Communist Party and he disclaims adherence to the principles of that party.

A number of letters of protest against Mr. Bavly's arrest have been submitted to the authorities. One comes from a professor in the engineering department of the University of Michigan whose student assistant Mr. Bavly had been. Another strong testimonial comes from a minister in Ann Arbor, stating that he had heard Mr. Bavly give utterance to his political views several times and that he advocates progress only through political and economic channels. An attorney in Detroit submits a sworn statement decidedly favorable to the detained. Dr. Leon B. Cowen and F. E. Loudy, an aeronautical engineer, both testified to the humanitarian and well-balanced beliefs of Bavly. Inspector Doig states that the Government raises no question as to the moral character or peaceable disposition of the defendant. Bavly was ordered to be deported on April 2, but we are informed that the case has been reopened for a new hearing.

It may be added that Bavly had taken out his first citizenship papers, had purchased Liberty bonds, had contributed to the Red Cross during the war, and in other ways had given evidence of his proven American point of view.

Now, I cite the case of a man who the records show to have been a member of no proscribed organization. This is the case of John Tarasink, Chicago, Ill., a Russian 23 years of age; had resided in the United States for four years. Before coming to the United States this man had been residing in Canada for two and one-half years. He was a laborer. Tarasink testified that he was not a member of the Union of Russian Workers nor of the Communist Party. He admitted, however, that he was a member of the I. W. W. During the trial it was brought out that Charles Egan of the police department, who made the arrest, had a warrant for another man, Tony Chinelli. Tarasink, who was in Chinelli's house at the time was also arrested. A hearing was given him on November 24, 1919. The case was reopened on December 12 in pursuance to telegraphic instructions. At this time Tarasink was questioned concerning his belief in anarchism and his membership in the I. W. W. He testified that he was not an anarchist and did not believe in the overthrow by violence of the Government of the United States. On the contrary, he stated, "I do believe in organized government." In spite of the evidence the inspector before whom this case was tried in his findings of the case stated, "This man admits previous membership in the Union of Russian Workers of the United States and Canada." This man was arrested early in November and since there is nothing in the hearing to indicate that he was released on bail, the inference is that he was held in jail until the cancellation of the warrant on April 3 by Assistant Secretary Post.

Here I cite the case of a man whose warrant was ordered to be canceled. It is the case of Nathan Ward. Nathan Ward, 31 years of age, was arrested in St. Paul, Minn. He was given a preliminary examination on February 6 and a regular hearing on February 8.

Mr. Ward's wife and two children are in Russia, but he was planning to bring them to this country. He had taken out first papers and had applied for second papers.

Membership in the Communist Party formed the basis of the charge against this man, and a photostat copy of application for charter for the Communist Party of America with copy of alien's signature is submitted as evidence against him.

The alien explains that he was asked to sign his name and did so not knowing that the petition was for a Communist Party charter. He paid no dues, attended no meetings, and has never read the principles of the organization. When questioned concerning his attitude toward our Government, etc., alien displayed complete sympathy with American ideals. When asked if he believed in obeying the law he answered, "Yes, sir; and if I knew that this was illegal I never would have signed it either." Deportation was recommended in this case by Inspector Bolton, but it was canceled on March 18.

On April 1 alien's attorney wrote a letter inclosing statements signed by business men of St. Paul testifying to the good character of Ward, etc. To this Assistant Secretary Post replied that the warrant had been canceled on April 1. It is evident from this that the alien had received no official notification of the cancellation of his warrant two weeks prior to this time. Alien had purchased \$500 worth of Liberty bonds which were deposited as bail.

Miss SIMS. May I make a correction in the dates? I remember this case. I took it from the records but did not make the abstracts. The warrant was ordered canceled on March 18 and on April 1 the letter from the alien's attorney came, inclosing the statements from the business men of St. Paul testifying as to the character of this man. The warrant had been canceled on March 18.

Mr. RAKER. Does the record show that this man was quite intelligent?

Mr. PANUNZIO. The record of this man is here. I will look and see. That is the case of Nathan Ward with a copy of the letters and quite full copy of the testimony in the case [handing papers to Mr. Raker].

Now, may I state further, Mr. Chairman, that I have taken all proper precaution in securing this data to use only the most reliable men and those who are thoroughly in sympathy with the Government of the United States, and more than that, who are thoroughly in sympathy with constructive measures, rather than simply finding fault with any—

The CHAIRMAN (interposing). That is to say the number of men or assistants you have, you mean, when you say that?

Mr. PANUNZIO. Yes, sir.

The CHAIRMAN. Now, how many have you?

Mr. PANUNZIO. I have had, during the last week, at work two on full time, and two others who have assisted me off and on, and Dr. Armitage, who is at my right here, was good enough to make a special trip to Youngstown to visit that prison, and should it be your desire I think he would be pleased to make a brief report of that.

And then we also have a young man who is visiting the prison at Detroit, and making that investigation at Detroit, and I just received telegraphic communication from him this morning which, with your permission, I will read.

On April 8 there are in Detroit 153. The men are receiving good treatment. I have interviewed only 35 men thus far, but believe that their cases are typical. The average age of these men is 29. The average number of years that they have been in the United States is 6. Two of them belong to the raid of November, 1 of them December; 2 of them to January; and 30 of them to February. Two are married, with families in the United States. Six are married, with families in Europe. Twelve children are involved in those families. Twelve positively disclaim membership in any proscribed organizations. Twenty-one can not furnish bail. Difficult to determine by the existing records how many cases are really worthy. Two extraordinary cases need immediate attention, which are those of Prokow Nanazaiaka, hearing No. 54860-3. If deported he desires to have wife and child accompany him. The second case is that of John Zabrisky, arrested November 1, in Detroit.

These are the telegraphic communications that I just received this morning.

The CHAIRMAN. Now, your investigator in Detroit, will he also see the Federal attorneys there and marshals and prosecutors?

Mr. PANUNZIO. Our plan, sir, to get as far as possible to the individual men themselves. We get their names; as I have stated, I have a little blank here that shows the methods of making this investigation; this little blank asks some very simple—nine or ten very simple questions.

The CHAIRMAN. What I mean to say is, if you investigators while looking after the situation of those in jail, do they make any inquiry as to what the Department of Justice knows concerning those in or out of jail?

Mr. PANUNZIO. Yes; we are in touch with the Department of Justice and they have furnished us some information also, and we usually incorporate all that, whatever information we have.

The CHAIRMAN. Are you making any study as to whether a man in one of these societies recants after being in jail a while and finding he is likely to be separated from his family, recants and denies that he has any ideas of using force and violence against the Government?

Mr. PANUNZIO. We find this, Mr. Chairman: Of course, the only thing we have about the men—the only thing we had first to examine the records, namely the affidavit on which the man was arrested, which is supposed to give sort of a summary of the man. That is the first step. The second one, we examine the warrant of arrest, and then we examine the hearing in which all the facts in the case and regarding the man are brought out and make a report—a brief résumé of that. Of course, we can not undertake to go back and hunt up the back record of every one of these men, nor are we recommending anything except regarding the men who belong to the proscribed organizations other than what the law provides.

The CHAIRMAN. I will just say for your information that I happen to come from a part of the country where there happen to have been great radical activities and I have been an observer and a bit of an investigator, covering practically the past twelve years, and I find that many of these men pledge themselves to commit perjury, as they please; an oath is nothing to them; so they make statements as best fits the occasion. We have seen in the state of Washington many, many such cases, and it throws doubt on the records.

Now, we know right now, in connection with present deportations—and I hope you will make some investigations in the State of Washington—of men claiming to have families and putting up prodigious protests of suffering at being separated from their families, and we find they have no families at all. I wish you would investigate that.

Mr. PANUNZIO. We have had a similar suspicion to that, Mr. Chairman. That is, a number of reports came to us at the early part of the game that there were so many families that were in distress and so on, and we began to get evidence—actual evidence of families living in such and such streets on such and such dates, and we found that the thing was rather elusive, and a peculiar feeling crept over us that there might be deception.

But the cases I have mentioned are bona fide cases. We have had them traced to the individual places where they live by one of our own investigators. And I have not mentioned the others, but I do have the feeling that there is a great deal in what you say, sir.

The CHAIRMAN. Let me ask you, were you perfectly clear in your own mind as to the status of the family of an alien in the United States who confesses that he is an anarchist? Here is this case of your printer at Hartford who states that he is an anarchist, thereby rendering himself liable to deportation without any further evidence whatever.

Mr. PANUNZIO. Yes, sir.

The CHAIRMAN. Now, does that man have any particular views not as to the rights of himself, but his wife in the United States?

Mr. PANUNZIO. Has he any particular views?

The CHAIRMAN. Did you get any statements from him in the Hartford jail, where you made inquiry, as to what he thought his rights were here?

Mr. PANUNZIO. I remember that man very clearly. He seemed to know that he had gotten into trouble and, just like a boy who had gotten in bad company, he was sorry for it.

The CHAIRMAN. That is what being in jail and the actual threat of deportation does.

Mr. PANUNZIO. Yes, sir.

The CHAIRMAN. Have you made any inquiry to lead you to believe that the mere fact of arrest for deportation kept thousands of persons out of these radical organizations of the Communist Party?

Mr. PANUNZIO. We would be very glad to get an indication along that line, sir. I repeat what I have said several times, sir, that you have requested us to bring facts which are purely in a preliminary form. A month or two hence we may be able to furnish you a real report.

The CHAIRMAN. We realize that fully and are just making a few suggestions in these hearings that will show you you have some work ahead.

Mr. PANUNZIO. Yes.

The CHAIRMAN. Now, then, I want to get your views as to the status of a man in the United States with a wife and children in Russia. What is their status there?

Mr. PANUNZIO. I have no views; I have no opinion. It does not enter in my—

The CHAIRMAN. Does the United States owe any protection to them in Russia or Austria or Scandinavia or any other country?

Mr. PANUNZIO. It all depends upon what you mean—whether you mean legal protection or looking at it from a humanitarian point of view. I would make two different answers there.

Mr. RAKER. In this record I see just a little notation here quoted from the inspector. The inspector says this man Ward does not impress him as a truthful person.

Mr. PANUNZIO. Which case is that?

Mr. RAKER. The Ward case.

The CHAIRMAN. That is the Detroit case.

Mr. RAKER. Yes, the one you just read a moment ago. It says, "Holton's recommendation: He does not impress me as being a truthful person."

Mr. PANUNZIO. I will look that case up.

The CHAIRMAN. I want to ask you one more question: I notice you speak frequently of the trial.

Mr. PANUNZIO. The hearing.

The CHAIRMAN. By that you mean the hearing?

Mr. PANUNZIO. Yes, sir.

The CHAIRMAN. You are thoroughly familiar with the procedure of an immigration hearing under the laws of the United States?

Mr. PANUNZIO. Yes, sir.

The CHAIRMAN. Do you think the public has any misunderstanding as to whether those are trials by the court or trials by jury?

Mr. PANUNZIO. I have an impression there is a slight misunderstanding on that, sir; but I also have a feeling that among the thinking people of the country there is a tendency to recommend or to desire a judicial hearing or judicial trial as against the administrative hearing. That is just simply a matter of general impression which I have secured from talking with the different men, lawyers and business men.

The CHAIRMAN. I am glad to have your view for the record.

Mr. PANUNZIO. Yes, sir.

The CHAIRMAN. Do you find these men, who admit they are against organized government, and so on, claim the protection of the laws of this particular Government?

Mr. PANUNZIO. No, sir. I find—for instance, take those men in the Hartford jail; those that said they belonged to a proscribed organization. They definitely expressed a desire to be deported.

The CHAIRMAN. But they did not walk up to any official and ask to be deported until after they had been arrested, did they?

Mr. PANUNZIO. Doubtless the chairman knows that they have not been in a position to get out of the country for the last couple of years, at least. I discovered in Pittsburgh that a number of men have actually made an effort to secure passports to get out of the country. I am told from some sources that many of these men just joined one of these parties with the hope of getting a free ride to Russia.

The CHAIRMAN. That could hardly have been possible at the time the raids on those parties were made. The facts were not known that the raids were to be made?

Mr. PANUNZIO. No. But a great many of them had tried, way back last August, and even earlier, to secure passports and to get out, and they knew they could not get out; it is stated to me that is the case.

The CHAIRMAN. That is so in a few cases, I think, but not a great many.

Mr. PANUNZIO. Personally I feel—I am speaking personally now—that if these men know that certain of these organizations are not legal in this country and they intentionally and intelligently join those organizations, attend the meetings, pay the dues, there is only one thing that we can do and that is to deport them.

Mr. RAKER. Right there, in that connection I would just like to submit in the record the findings of the commissioner general in this particular case, just to give a viewpoint of the entire matter.

Mr. BOX. What case?

Mr. RAKER. The Ward case. And there is a little preliminary statement as presenting entirely the statement of Mr. Ward and his viewpoints after arrest. Just let me read this right in that connection:

Memorandum for the Assistant Secretary.

Departmental warrant issued January 7, 1920, the same being based upon statement made by the alien to the special agent of the Department of Justice (Exhibit A). The alien, represented by counsel, was accorded a hearing at Minneapolis, Minn., February 7, 1920, during the course of which hearing he admitted (p. 3 of the record) signing, as secretary, application for charter in the Communist Party of America (see photostatic copy of application, Exhibit B; "party," its principles, etc.); although he admitted attending the meeting on the evening he signed the application for charter as secretary, and to have listened for some 40 or 45 minutes to an address of the speaker. Such statements and representations indicate that the alien is disingenuous and untruthful (further evidence of the alien's untruthfulness is found in his denial, made to special agent of the Department of Justice, that he signed the application for charter; whereas he admitted finally to the examining officer at the hearing that he did in fact sign the application); his object in joining in an official capacity in the application for charter is seemingly conclusive in the premises as to his affiliations and attitude in respect to the Communist Party organization. The alien reads and writes English. He states that he declared his intention in 1916 to become a citizen of the United States and that he is waiting for final naturalization.

The examining inspector recommends deportation, in which recommendation the inspector in charge at Minneapolis, Minn., does not agree.

The evidence submitted and adduced shows, and the bureau finds, that this alien is in the United States in violation of law (act of Oct. 16, 1918), and is subject to deportation therefor: this on the ground, and it is so found, that he is a member of or affiliated with an organization that entertains a belief in, advocates, or teaches the overthrow by force and violence of the Government of the United States, and that he is a member of, or affiliated with an organization that advocates the overthrow by force and violence of all forms of law.

It is therefore recommended that the department issue its warrant for his deportation on these grounds, said deportation to be to Russia at Government expense.

A. CAMINETTI, *Commissioner General*.

Deport. Cancel.

LEWIS F. POST, *Assistant Secretary*.

Mr. PANUNZIO. I wonder whether I can just read a set of suggestions which I have prepared?

The CHAIRMAN. I would rather have you come here Saturday morning when we may hear those suggestions.

Mr. PANUNZIO. We are absolutely at your service, sir, and will stand with you to do anything you desire to have us do.

(The committee thereupon adjourned until to-morrow, Saturday April 10, 1920, at 10 o'clock a. m.)

COMMITTEE ON IMMIGRATION AND NATURALIZATION,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Saturday, April 10, 1920.

The committee met at 10 o'clock a. m., pursuant to adjournment, Hon. Albert Johnson (chairman) presiding.

The CHAIRMAN. The committee will come to order.

STATEMENT OF CLYDE F. ARMITAGE, MEMBER OF THE INDUSTRIAL RELATIONS DEPARTMENT, INTERCHURCH WORLD MOVEMENT.

The CHAIRMAN. Please state your name to the committee.

Mr. ARMITAGE. Clyde F. Armitage, industrial relations department of the interchurch world movement.

The CHAIRMAN. The information we desire is a description of what that movement is.

Mr. ARMITAGE. The interchurch world movement is a cooperation of most of the Protestant denominations to further their foreign work in general. It began as a missionary enterprise including their home and foreign missions and spread to include education, because we need an educated leadership in both of those fields; and since its inception it has broadened so as to include nearly all phases of church work. It has this department of industrial relationship to study the various phases of industrial relations from the ethical point of view and to see what there is in the industrial field that the church can help at. We are making quite extensive studies in the various phases of industry. We have not done any training as yet, or any educational work, or much of real service. Our attitude up to date has been that of a student; we are trying to learn.

The CHAIRMAN. How did this inquiry relative to the matter of deportations come to your attention?

Mr. ARMITAGE. Largely because of the reports that came to us concerning the condition of the families of the deportees and because of information that came concerning the way some of the aliens were being treated in the jails, etc.; and also because—I do not know but what really this is the more important phase—because the man who has been handling our immigration studies, Mr. Panunzio has been trying to work out a comprehensive program of immigration legislation and activities. He, of course, has been in conference with you, Mr. Chairman, concerning those matters, and this deportation matter is one phase of the larger, broader, more comprehensive immigration policies.

The CHAIRMAN. That is, Mr. Panunzio is undertaking to develop or make suggestions that would lead to improved immigration legislation?

Mr. ARMITAGE. He has been studying the whole question of immigration with the purpose of recommending things to the church concerning immigration and for the sake of getting your committee and the Senate Committee on Labor, and other branches of the Government, to show its approval for the church to be useful in any way it can on the immigration legislation, or the methods of handling immigration, and emigration.

The CHAIRMAN. As to the expense of conducting this inquiry?

Mr. ARMITAGE. Yes, sir.

The CHAIRMAN. In round numbers, how much would it amount to per week?

Mr. ARMITAGE. I do not know that I can state that.

The CHAIRMAN. Several hundred dollars?

Mr. ARMITAGE. It is not large.

The CHAIRMAN. Well, that is immaterial.

Mr. ARMITAGE. Mr. Panunzio made a statement yesterday about the number of helpers.

The CHAIRMAN. When we adjourned yesterday Mr. Panunzio just reached the point where he was about to state some conclusions or some observations. I understood that Mr. Panunzio was a minister.

Mr. ARMITAGE. Mr. Panunzio is; yes, sir.

The CHAIRMAN. Of the Methodist Church. You are a minister also?

Mr. ARMITAGE. Yes, sir.

STATEMENT OF CONSTANTINE M. PANUNZIO—Continued.

Mr. PANUNZIO. Mr. Chairman, if you will permit me, I would like to make a statement.

The CHAIRMAN. Yes.

Mr. PANUNZIO. Mr. Chairman, members of the committee, yesterday, you will recall that I had reached a place where I was practically drawing to a close the bringing out of some typical cases which we had investigated.

Yesterday afternoon there came to my attention as I was examining the same records, the case of Yowmin Bielosh, case No. 54709-599, which seems to show more clearly that the alien did not subscribe to the principles of the Union of Russian Workers, of which he was charged to be a member. The warrant of arrest was issued in this case about date of February 25, 1919, and the subject was ordered to be deported after proper hearings on December 19, 1919. The deportation is still pending and the alien is being held at Ellis Island on this date of April 9, 1920. The alien is 36 years of age and seems to have a wife and a child in Russia. He states that he did not belong to the Union of Russian Workers, and the only proof that is submitted at the hearing is that his name appears in the list of the members of a given organization in West Virginia. The alien states that he once contributed 50 cents to an organization which purported to be a society for the purpose of petitioning the Government of the United States to make peace with Russia and to permit the Russians to return to their country.

Also I have the case of an alien, a Pole by birth, who is 33 years of age. He arrived in the United States in 1907, was married in 1912, and has three American-born children. The name of this alien—perhaps you would like to insert that at the beginning—is Truss. He is a coat presser by occupation, earning about \$40 a week, and is, or recently was, president of the Amalgamated Clothing Workers of Baltimore. His character is well attested by highly responsible witnesses as a man who is not in the slightest degree dangerous to this Government or at all inimical to any organized Government, but he would make a good citizen of the United States. He was taken into custody on the 7th of January, 1920. He complied with the requests to answer questions promptly. Policemen conducted him to a police station, where they delivered him to the police officials in charge, saying that he was wanted by a special agent of the Bureau of Investigation of the United States Department of Justice. Thereupon, the alien was locked in a cell over night and until some time during the next day his wife and friends were ignorant of his whereabouts. If there was any warrant for his arrest, the alien was not shown that

warrant, or in any other way informed of the reason or the authority for his summary imprisonment, nor has any such authority been disclosed thus far. While still imprisoned he was examined on the 8th of January by a special agent and his examination reduced to writing. No lawful authority for this proceeding was disclosed to the alien at the time, nor has any been disclosed since. No warning was given him that his replies might be used against him and he was not informed of his right to have counsel present to represent him if he wished. Now, this is somewhat an extended case.

Mr. VAILE. Where was the examination held, Mr. Panunzio?

Mr. PANUNZIO. At Baltimore.

Mr. VAILE. At Baltimore?

Mr. PANUNZIO. Yes, sir. May I state further in regard to this that I looked over very carefully the brief which was submitted by a group of lawyers, a firm of lawyers, headed by former Judge Niles, of Baltimore. I consider it one of the finest briefs that has been submitted in behalf of any man of these deportees.

The CHAIRMAN. Let me ask you a question right there: How was your attention called to this case?

Mr. PANUNZIO. I ran across it, sir.

The CHAIRMAN. Yesterday—you ran across it yesterday?

Mr. PANUNZIO. No, sir; we have been working on it for nearly a week.

The CHAIRMAN. The case came to a head yesterday?

Mr. PANUNZIO. I can not say about that, sir.

The CHAIRMAN. The reason I mention that is that this morning's Post contains a statement about the case of Thomas Truss, reading as follows:

REAL COMMUNISTS MUST GO, POST SAYS—DEFINES PROCEDURE AGAINST ALIENS IN CASE OF THOSE DISCHARGED.

Bona fide membership in the Communist Party and guilty knowledge of the precepts of that organization on the part of alleged undesirable aliens will be made the basis of deportation, Acting Secretary Post ruled yesterday in canceling the warrant issued in the case of Thomas Truss, of Baltimore.

Appearance of a suspect's name in the membership list will not be accepted as proof of his connection with the party, it was held. Withdrawal from membership prior to the date of the ban against the organization will be taken, however, as indicating clean intent, and "where the accused appears to be a person of good general character, fit for American citizenship except for the accusation in hand, and there is reasonable doubt of his membership, the warrant will be canceled."

Mr. Post reviewed the case of Truss at length as typical of the thousands he will be called upon to decide. He criticized severely the apparent failure of local police and agents of the Department of Justice to protect the rights of aliens arrested, declaring in the case of Truss that no warrant was produced; that the prisoner was not informed of the reason or authority for his summary imprisonment, and he was not given the privilege of obtaining counsel.

Examination of the records, Mr. Post said, showed that, far from being an anarchist as charged, Truss was "a respected member and active worker for the St. Paul Polish Presbyterian Church in Baltimore."

Apparently there are many such cases. Of course, you will understand that this committee has not instigated these arrests or these deportations.

Mr. PANUNZIO. Yes, sir; we understand perfectly, Mr. Chairman.

The CHAIRMAN. Nor is it urging the deportation of those not subject to deportation. We are anxious to find out with what speed the examination of the papers is being made; and we are anxious to find

out what proportion of the papers in the cases of persons arrested for deportation have gone through the whole procedure.

Mr. PANUNZIO. In that connection, Mr. Chairman, may I be permitted to make a statement?

The CHAIRMAN. Yes, sir.

Mr. PANUNZIO. After I came back from the Hartford examination on March 25 with a list, which you will recall I submitted yesterday, fully tabulated, consisting of 67 cases. Of these I had a list that I based upon my own individual cards that I took of 18 men who, as far as my personal contact with the individual men was concerned out of the 67, I felt that perhaps they might have got mixed up somehow, but that they were either ignorant men who had got caught in something they did not really understand, or that they were intelligent men who perhaps had made a mistake; and some of these, I was absolutely certain, there was nothing against, so far as I could get from the individual man. Immediately I proceeded to Washington with that list for the purpose of examining the records and finding out exactly what was the evidence produced and exactly what recommendation—if I were permitted to make a recommendation—what recommendation I could make based upon the examination of the individual cases. I went to the Department of Labor and requested their permission to see those cases. I came to Washington and requested the department to be gracious enough to let me see the records in these 18 cases in order that I might make an intelligent statement on those cases. We waited until finally the record of the cases came down; but the hearings were not to be found, and it took us fully a week or more to get all the hearings themselves, and when we got to the hearings we were convinced that the statements of the individual men were absolutely true. Some of them were not in any way guilty; and I have been informed since that some of the warrants have been canceled.

The CHAIRMAN. Yes. Now, do you know the reason for that delay?

Mr. PANUNZIO. I presume, sir, because the number of cases was so great they were not able to cope with the situation.

The CHAIRMAN. Yes; that is probably true. But you did not find the hearings in the files in the Department of Labor; is that it?

Mr. PANUNZIO. Yes, sir.

The CHAIRMAN. The hearings were still back in Hartford?

Mr. PANUNZIO. Well, we were not certain about that because, in fact, we requested to know whether the hearings had been received or not.

The CHAIRMAN. Let us start at the other end of this thing for a moment.

Mr. PANUNZIO. Yes, sir.

The CHAIRMAN. As those raids were made, so-called raids of the Department of Justice—those have been spoken of very generally as the December raid, the January raid, the February raid—

Mr. PANUNZIO. Yes, sir; yes, sir.

The CHAIRMAN. Can you identify those raids?

Mr. PANUNZIO. Approximately, sir.

The CHAIRMAN. What do you call the December raid?

Mr. PANUNZIO. It was made on November 7, or 10.

The CHAIRMAN. How many were arrested in that raid; how many were taken into custody?

Mr. PANUNZIO. I have not got the figures here, sir; but we could probably supply them.

The CHAIRMAN. That was one raid. Now, prior to the sailing of the *Buford* other arrests were hurriedly made in December?

Mr. PANUNZIO. Yes, sir.

The CHAIRMAN. And that was the raid of the so-called Russian Workers of America?

Mr. PANUNZIO. Yes, sir.

The CHAIRMAN. The next raid was the raid of the so-called members of the Communist parties?

Mr. PANUNZIO. Yes, sir.

The CHAIRMAN. How many were arrested in that raid?

Mr. PANUNZIO. I have no idea, sir; that is we have the number of warrants that were issued during each month.

The CHAIRMAN. For deportation?

Mr. PANUNZIO. Yes, sir; up to the end of February; we have the number of warrants that were issued.

The CHAIRMAN. How many?

Mr. PANUNZIO. I will gladly submit the table which we have prepared on that, sir. We prepared a table beginning with July 1, 1919, and ending with February 28, 1920, inclusive.

The CHAIRMAN. I would like to have that table.

Mr. PANUNZIO. Yes, sir; we will be very glad to furnish it. Shall I submit it to you, sir, for insertion at this point?

The CHAIRMAN. Yes, sir; send it to the clerk so we can study it.

Mr. PANUNZIO. I will do so.

(The table referred to had not been presented to May 25.—CLERK.)

Mr. PANUNZIO. I have two or three cases that I could present at this time on the other side. I do not know whether I should even be in a position to make any suggestions, but if so, I would like to do so, basing them upon the study which I have made thus far.

The CHAIRMAN. Yes; I think that will be important.

Mr. PANUNZIO. I might make the suggestion: That where in the cases where the evidence shows that the persons did not subscribe to the principles of a proscribed society or where, as an individual, a person has a good record and is distinctly in favor of the Government of the United States that, for the sake of good will among the people—I am simply speaking from a humanitarian point of view—that the warrant might well be canceled; that the alien be released as soon as possible for, as I have indicated, some of them have been held in jail for five months, and practically on an indefinite sentence.

Mr. WILSON. Right there, I would like to interrupt you, if I may.

Mr. PANUNZIO. Yes, sir.

Mr. WILSON. Is it your position that the committee ought to take some action to secure just what you have stated in relation to these aliens as you have described, as not being dangerous to the peace and safety to the country?

Mr. PANUNZIO. Well, of course, I do not know exactly how far this committee could help expedite the matters.

Mr. WILSON. You could appreciate that it is not our provision to review the proceedings of the court or the proceedings of the Department of Labor in these cases; that that is a matter of administration and that the law already provides that where an alien is wrongfully

taken in charge that he might be discharged, as disclosed in the case referred to a few months ago by the chairman.

The CHAIRMAN. I take it that Mr. Panunzio is asking us to review these cases for the purpose of assisting this committee in enacting legislation. To that extent we will receive them.

Mr. WILSON. That is just the point.

Mr. BOX. And he is here at our invitation.

Mr. WILSON. I understand that; I appreciate the fact that he is here at our invitation, and he is giving some valuable information; but the point about which I inquired was if we were expected to enlarge legislation to cover such cases specifically?

Mr. PANUNZIO. I came before this committee to reveal certain facts, to make certain suggestions, constructively, in relation to the entire question of the handling of the non-English-speaking people, and especially in relation to these deportations.

The CHAIRMAN. Now, if you will permit an interruption of your statement, I would like to ask a few questions to see if we can not clear the atmosphere a little.

Mr. PANUNZIO. I would be glad to have you do so, Mr. Chairman.

The CHAIRMAN. First, you are doing some investigating.

Mr. PANUNZIO. Yes, sir.

The CHAIRMAN. And we are doing some.

Mr. PANUNZIO. Yes.

The CHAIRMAN. To try to come to an understanding.

Mr. PANUNZIO. Yes, sir.

The CHAIRMAN. We are not trying to assail any living soul—

Mr. PANUNZIO. Yes, sir.

The CHAIRMAN. And you are not?

Mr. PANUNZIO. No, sir.

The CHAIRMAN. But we are holding sessions here in the hopes that we can have an exchange of views. We want the best suggestions you can make.

Mr. PANUNZIO. Yes, sir.

The CHAIRMAN. There is no doubt in the world but what some of these raids were necessary to stop what would have soon been running rampant. We know now that these very political parties, or so-called political parties which are really revolutionary parties, are already changing their literature, taking out things that were self-convicting against them; and we know also that many men who got in would soon have been attending the secret meetings but now see the error of their ways. We know also that many men have lied and we know also that the states are convicting with juries under criminal acts men whom we are unable to deport.

These are some of the problems we are struggling with. When the Department of Justice started out to arrest several thousand men belonging to the Communist Party, of whom 3,000 were aliens, we knew by the very nature of things that they would catch some duped, illiterate fellows who had been told that they should belong to such an organization because it was political and that was the way to accomplish something for the workingman in the United States; and I think the members of the committee knew it would catch some of those fellows; but I think also that it would have been only a question of a few months until these dupes were well trained and well drilled in secret halls in the way to proceed for the destruction of this Gov-

ernment, the destruction of property, assassination of individual officers and others. These are the problems with which we are working. There are two sides to the question.

Now, I think you may proceed with your statement.

Mr. PANUNZIO. These are not, of course, suggestions that this committee could act upon; I am just making them as suggestions of the position I take in the matter.

The CHAIRMAN. We are glad to have them.

Mr. PANUNZIO. In the case that the alien be released as soon as possible and perhaps, if the evidence is clear that he did not belong to one of these parties, or that he did not accept the principles of that party, that in order to facilitate his reemployment and to get him back to normal society some statement, some simple statement be given that will help him, stating his innocence.

Mr. RAKER. Supposing he denied it?

Mr. PANUNZIO. Denied which?

Mr. RAKER. Denied belonging to the organization; denied that he was an anarchist?

Mr. PANUNZIO. If the evidence shows that he is a member then act upon it.

Mr. RAKER. I mean the fact that the man denies that he was an anarchist, or denies that he belongs to these organizations. Would you believe him just because that alien denied belonging to an organization or denied teaching these doctrines?

Mr. PANUNZIO. Not at all. I would take the entire record of the man, and if I find that he has been in this country 18 years and during all that time has been a peaceful, law-abiding citizen and a good workman, that he can procure good recommendations from the places where he worked and all the persons who know him personally speak well of him, that the Government can not prove that he has belonged to a proscribed organization and that he is not in any way embracing the principles of the organization, it seems to me that we have a clear-cut case of a man who just happened to be caught along with some others in the raid. Do I make my position clear?

The CHAIRMAN. Yes. But notwithstanding the fact that he had been a good worker; notwithstanding the fact that his reputation up to that time had been good; notwithstanding the fact that he could read and write the English language; and notwithstanding the fact that he said he did not belong to the Communist Party, if he did meet with them and associate with them and join in their work and believed in their work, his past record——

Mr. PANUNZIO. Yes, sir.

The CHAIRMAN (continuing). Would not exclude him from being punished at this time?

Mr. PANUNZIO. We are in perfect agreement on that point and the other points there also.

In the second place, in the case where there is a shadow of possibility that the person does subscribe to the principles of proscribed society, or where an individual is opposed to the present form of government in the United States, and where the person expresses a desire to remain in the United States, the question is, especially if he has a family and his family can not be deported with him, if it is not a clear-cut case of being an anarchist or member belonging to these parties, but there is just a shadow of a doubt on either side,

would it be wise or not to release him on a reasonable bail or on parole to some responsible individual in the community where he resides? I emphasize once more that this, especially in the case of those persons who have families, can be proven that they have families in this country and, as I understand, thus far no provision has been made for the deportation of the families. This suggestion simply would prevent the disruption of families where families actually exist.

In the third place, some course might safely be followed in such cases where the person, or some course can be safely followed in the case of persons who definitely and intentionally subscribe to the principle of a proscribed society who have families; I have already stated that.

In the next case, such cases as it would not be safe to release, for reasons satisfactory to the proper authorities, might well be transported from the places where they are now being held to immigration detention stations.

In the next place, in order to prevent further uneasiness in non-English speaking communities in this country, and in order to avoid, if possible, international ill will, might it not be advantageous to make arrangements to deport these men who are deportable at the earliest possible moment? It is doubtless reasonable also that the requests of the families should be granted on the humanitarian principle that they should not be separated or disrupted.

In the next place, in the case of the men already deported whose records clearly show that an error was made, perhaps they might be notified of that fact, and that in the event they desire to be readmitted to this country they have a clear record given them.

Mr. RAKER. How could such a thing be possible unless the officers violated the law in hearing these cases and reading evidence and deliberately disregarded the law in the evidence in these cases?

Mr. PANUNZIO. If you will permit me to finish this statement, then I will take up that point.

Mr. RAKER. All right.

Mr. PANUNZIO. In the next place a report has come to us stating that great uneasiness is being evidenced in Russian communities in this country, a report which we have not as yet been able to confirm, that persons who have furnished the money for bail of some of the men who are out on bail have not received the proper receipts. If this proves to be true, which I say has not been confirmed by us, might it not be wise to insist that this should be done?

Then comes the question of legislation which, of course, I am not really in any way competent to discuss.

The CHAIRMAN. Oh, I think you are.

Mr. PANUNZIO. But, in view of the errors which perhaps unavoidably have crept in might it not be advisable to reconsider the entire body of the laws in dealing with deportations and perhaps above all else in keeping with the highest principles of American democracy to introduce a judicial trial in the place of the present administrative hearing. That leads me to answer the question of the judge. So far as we can discover, it is not so much a matter of any officials having violated the law as it is the fact that some of the immigration inspectors who are appointed on a civil service examination, which is exceedingly simple and does not in any way required a judicial tem-

perament, may have made, unavoidably; errors in judging cases. They may have summarily reached a certain conclusion due perhaps to the great pressure of public opinion; they may have made some errors.

Mr. RAKER. Is not that possible in all human tribunals?

Mr. PANUNZIO. Yes; absolutely.

Mr. RAKER. And is not that possible in the supreme courts of the States and even the Supreme Court of the United States?

Mr. PANUNZIO. Not as much, sir. I think you will grant me; not as much as in the case where an alien is brought in and instead of having a jury who will listen to the evidence he has just one man who is not trained to be a judge who, in the majority of cases has not the education even to maintain a judicial attitude. I am certain that you will agree that that can not be compared even with the lowest court of the United States.

Mr. RAKER. I think you are mistaken in that absolutely because the record shows that the personnel of that force consists of practical, high-class men with high technical training in this kind of work, who not only have the experience, but an exceptional educational training.

Mr. PANUNZIO. That is true in some of the cases; yes, sir; but not true in others.

The CHAIRMAN. I want to give you a few thoughts that will help you in your inquiry. In the first place, I think probably that in arriving at percentages, figures, etc., you have made a mistake in not securing knowledge at the very beginning of the number of arrests. You have started in at the wrong end.

Mr. PANUNZIO. No, sir; we started with that, but we found it exceedingly elusive, that is we knew the number of warrants that had been issued, but we have not been able to find out the number of arrests that were made because they were legal arrests, but we have had a statement from one of the authorities of the United States Government estimating that there were 10 persons arrested for every warrant issued.

The CHAIRMAN. We have some evidence on that; we can help you on that here.

Mr. PANUNZIO. We will be exceedingly pleased to have just as much of the material as we can possibly get to complete our report.

The CHAIRMAN. Now, then, here is the trouble: There was a great hue and cry that relatives were denied the privilege of seeing a lot of these people—

Mr. PANUNZIO. Yes, sir; I heard of that.

The CHAIRMAN. There was lots of it. We saw a great deal of it when we were at Ellis Island. You must understand; I think you do understand as an American, that the agents of these revolutionary organizations do all these things on purpose to make the very disturbances that are now arising. For instance, just prior to the departure of the *Buford*, and this committee was present at Ellis Island, the relatives got up a great hue and cry because a wire barrier had been placed between them and the persons held for deportation. Prior to the putting up of that barrier relatives had been slipping arms to the persons detained, revolvers. Now, it became necessary for the protection of Ellis Island to put up the bars, a wire lattice, and that was followed by a terrific hue and cry, a distressing wail, that relatives could not see these men, could

not talk to them. They were aided just as far as possible by Attorney Shore.

Mr. BOX. The man who has these papers that you did not get.

Mr. PANUNZIO. I did not know what attorney had them.

Mr. BOX. You said they were in the hands of some attorney. He was the agent who was over there advising them at that time.

The CHAIRMAN. Now, the chairman of this committee is receiving letters all the time from Ellis Island from people complaining that they can not have close communication with their relatives. I have in mind here a letter. Just to show you the type of work—this lays it down in detail here—here is a fellow who writes to this committee from San Francisco calling on the committee to get the Department of Labor to hurry up the deportation. It is a vicious letter in the first place. He is an anarchist and proud of it. He was transferred from San Francisco to Ellis Island for deportation. Arriving there about three weeks ago he found other reds detained there and he assists in all the agitation concerning their rights or desires to see relatives, and writes to this committee along with all the others—not all of them, but a number of them. He was written a letter in reply and he writes back a letter of abuse of the Government. Read his letter. He means no good to this country.

And here is a copy of a letter from a Prof. Calhoun, A. W. Calhoun, who was a university president. He defends further activities towards the revolution and the workings of the left wing of the Socialist Party and wants it to be believed—I want to get the exact words: "One of the things that will hasten the revolution and to spread the information that it can come soon," and so on "Bowles was here last week. He is pushing the New Republic; says the circulation has quadrupled since they became Bolsheviks." Now, that represents one end of the movement and the influence working for a revolution and belonging to the left wing of the Socialist Party which cut itself off of the rest of the Socialist Party because it wanted direct action and revolution, bloodshed, and violence, aided and abetted by American citizens and professors in the universities; and they work upon these very aliens—these sad cases of aliens who were caught altogether in the raids and now pretend that they were only going to school.

You have produced facts here in one of your sad cases of a graduate of the University of Michigan. He is not one of these illiterates and he himself signed the papers calling for the charter of the Communist Party in which he has the audacity to say that he did not know what the left wing of the Socialist Party was doing. Now, as an American citizen, are you going to get out a report full of pathetic cases and include in it any such damnable, fraudulent case as that?

Mr. PANUNZIO. Absolutely, we would not, sir.

The CHAIRMAN. You are a religious man and you know, as I know, that the people of the United States are a humane people and they want a square deal.

Mr. PANUNZIO. Yes, sir.

The CHAIRMAN. And while the great people of the United States are thinking of those two ideals, they let these vicious people gnaw away the foundation of this Nation.

Mr. PANUNZIO. Mr. Chairman, at that point I want to express my frank opinion, if I may.

The CHAIRMAN. Yes; that is what we want.

Mr. KLECZKA. Mr. Panunzio, I do not know whether you are aware of the fact, I fear you are not, that the Socialist Party has voted to affiliate with the Third International of Russia. Are you aware of that?

Mr. PANUNZIO. I did not know that particular information.

The CHAIRMAN. My personal observation is that the socialist in the United States, be he most humble and most polite, or whatever kind of a socialist he may be, has a poor excuse now for being a socialist.

Mr. KLECZKA. They have organized to affiliate with the Third International of Russia.

The CHAIRMAN. Now, then, such men as you state that you do not know what the Third International is; did you not just state that?

Mr. PANUNZIO. Yes, sir.

The CHAIRMAN. Do you not see; how can you make an inquiry; how can you know what a socialist means when he says something to an investigator of the United States?

Mr. PANUNZIO. May I say that so far as your request about the report is concerned, I trust that I have given this committee the impression that we are approaching this thing from absolutely the judicial point of view.

The CHAIRMAN. Well, we want to help you.

Mr. PANUNZIO. And if there is any evidence on either side we are just simply going to put it right there, going to endeavor to put it right there and let it be known to the public and to the people of the United States.

The CHAIRMAN. Now, let me show you some more while you are investigating. Among other things——

Mr. PANUNZIO. Now——

The CHAIRMAN. Just let me complete my statement. We have got weeks to work on this, and here are a few cases that I want you to look into——members of the I. W. W. The I. W. W. is understood to have become a part of the Third International.

Now, here is a list of seven aliens that we have been unable to deport from the United States, but who have been tried and convicted in the State of Washington of criminal syndicalism after having been tried and convicted by a jury in the superior court. They had witnesses to their character but there was evidence which convinced the jury that they were guilty of efforts to overthrow this Government by force and violence; aliens whom the United States after persistent effort is unable to deport. We have many such cases for you.

Mr. PANUNZIO. Yes; we would be very glad to get hold of such cases; we have been endeavoring to get that.

Now, Mr. Chairman, I hold no brief whatever, for the individual who consciously, intentionally, intelligently belongs to a proscribed organization; I hold no brief whatever for that man.

The CHAIRMAN. Now, you understand that the minute we get one organization proscribed it changes its front.

Mr. PANUNZIO. If I may complete my statement, Mr. Chairman——

The CHAIRMAN. Go ahead.

Mr. PANUNZIO. I repeat, I hold no brief whatever for the individual who consciously and intentionally and intelligently believes and accepts the principles of a proscribed organization, or as an individual accepts the principle of anarchy and all that goes with it; nor do I hold a brief, I am frank to state, for that principle which leaves in the hand of one man, a Government official, or otherwise, the power of determining overnight what organizations or societies in group and not as individual people shall be considered in the proscribed class.

Mr. VAILE. Let me interrupt you there a minute. The manifesto of the Third Communist International contains much damaging evidence.

Communism does not propose to "capture" the bourgeoisie parliamentary state, but to conquer and destroy it. As long as the bourgeoisie state prevails, the capitalist class can baffle the will of the proletariat.

Communism rejects this conception of the state. It rejects the idea of class reconciliation and the parliamentary conquest of capitalism. The Communist Party alone is capable of mobilizing the proletariat for the revolutionary mass struggle to conquer the power of the state. The Communist Party realizes that it is necessary to develop separate organs of working class political power by means of which to crush the resistance of capitalism and establish the Communist commonwealth.

Now, it is not a matter that is determined overnight; these manifestoes are the basis of this party, which, as Mr. Kleczka has just told you, a part of the Socialist Party of the United States has officially joined this party, has recognized the I. W. W., the left wing of the Socialist Party. The Russian Workers of the World has branches here based on the Third Communist International. Is it possible that an organization which says this is not hostile to the United States?

Mr. PANUNZIO. No, sir; it is hostile to the United States.

Mr. VAILE. Of course it is.

Mr. PANUNZIO. The point I am making is——

Mr. VAILE. Just a little bit more——

Mr. PANUNZIO. The point I make there is—if I may answer—the point is that the organization has to be condemned, but if a group of individuals sometimes without their knowledge are transferred from one group to another, from one society to another, that the individual be given an opportunity to prove whether or no he accepts those principles which his organization has accepted.

Mr. WILSON. Now, I understand, if I get that correct, that your contention is that the Government must have facts to prove the individual acts of each regardless of whether he belongs to one of these organizations or not, before ordering his deportation.

Mr. PANUNZIO. No, sir.

Mr. WILSON. Say, for instance, a man belongs to one of the parties, or one branch of the party that is teaching the doctrine just read by Mr. Vaile——

Mr. PANUNZIO. Yes, sir.

Mr. WILSON. So it will be your contention that you must prove some overt act on his part in addition——

Mr. PANUNZIO. No; no, sir.

Mr. WILSON. Before you ordered his deportation.

Mr. PANUNZIO. No, sir; I contend that in a group of men, for instance, we found, if I may be permitted to say that I have lived in

immigrant communities as a pastor and have seen some of the problems of these ignorant people. They are often times scooped into a thing they did not know anything about.

Mr. RAKER. I do not understand why you are always referring to the "ignorant" people while it is shown so far that they are not only well educated in their own language, but are graduates of institutions in America.

Mr. PANUNZIO. Yes, but those I have cited as cases proving—I have cited those cases as cases that are clear cut, where there is evidence on either side; I have not taken either side, I am just simply presenting the facts. My position is this: If a group of men, let us say, to-day have belonged to the Socialist Party, to the left wing of the Socialist Party; I do not know that I would say the left wing of the Socialist Party, but just say the Socialist Party, and to-morrow the officers of that organization move, take action that they shall be transferred, they will be transferred to the Communist Party, let us say as a matter of illustration——

The CHAIRMAN. You understand how the Socialist Party does those things, do you?

Mr. VAILE. They do it by a referendum vote.

Mr. PANUNZIO. Now, it is at that point that I was just coming to; I am getting at that.

Mr. WILSON. It is just the point I am trying to develop.

Mr. PANUNZIO. And I would like for the individual who shows in a hearing, let us say, that he has not attended the meetings since the day that the particular local was transferred, he has not attended the meetings; he has not paid any dues; he has not done anything that shows that he belongs to the proscribed party; that he has not made any speeches; that he has not distributed literature; that there is no evidence whatever that this man from the moment that the organization changed around took any part whatever in that organization, it seems to me that that man ought to have a chance. Does that answer your question?

Mr. WILSON. Partly, not altogether. For instance, a raid is made and you get 50 men and it is shown that they have membership in the left wing of the Socialist Party, or the Communist Party, or some proscribed party.

Mr. VAILE. Or to that combination or union of Russian Workers. I want to read another extract from that.

Mr. WILSON. And teaching such doctrines as Mr. Vaile has read and now reads.

Mr. VAILE. This is not from the manual of the constitution of the Third Communist International, but it is from the official literature of one of its branches, to wit, The Federation or Union of Russian Workers of the United States, which is a branch of the Communist International and perhaps this will enlighten you gentlemen on the subject you are investigating:

We may therefore formulate our tactics thus: By participating in the struggle of the working class, guiding it, and uninterruptedly widening and deepening that struggle, kindle and maintain the conflagration of civil war until we have torn up by the roots capitalism and government.

We go tranquilly, cheerfully, not because it is not painful to us eternally to be calling to bloody combat. No! No! But because there, far beyond the corpses of heroes, beyond the blood-covered barricades, beyond all the terrors of civil war, there already shines for us the magnificent, beautiful form of man without a god, without a master, and free of authority.

We hate religion because it lulls the spirit with lying tales, takes away courage and faith in the power of man—faith in the triumph of justice here on the real earth and not in a chimerical heaven. Religion covers everything with fog; real evil becomes visionary, and visionary good a reality. It has always sanctified slavery, grief, and tears. And we declare war upon all gods and religious fables. We are atheists.

We hate authority—that eternal preserver of slavery and foe of freedom. The lords having been destroyed, why leave the whip of the lords; the power of capital having been destroyed, why allow its safeguard the State to remain? Does giving man bread mean depriving him of freedom? Even pigs in their sty have food. Not to the happiness of citizenship do we call the workers; we call them to liberty—to absolute liberty. We are anarchists.

Mr. WILSON. To what party does that belong?

Mr. VAILE. The Union of Russian Workers.

Mr. PANUNZIO. I think that is entirely out of point, sir.

Mr. WILSON. You are liable to get some information here.

Mr. PANUNZIO. I believe so.

Mr. WILSON. Just take my case, suppose, as I say, you make a raid and arrest 50 men belonging to the party that teaches the doctrines that Mr. Vaile has read—

Mr. VAILE. Where these doctrines are taught and preached in their halls.

Mr. WILSON. You arrest them and of that number 40 say: "We don't believe that, we don't teach that; we don't subscribe to that"; yet they have membership in that organization. Now, would you discharge the 40?

Mr. PANUNZIO. No, sir; I would find out whether there was any evidence to prove that those men belonged to consciously. Again, I say that I hold no brief whatever—

Mr. WILSON. Well, I appreciate that.

Mr. PANUNZIO. For any man that stands for that position that the Judge has just read.

Mr. VAILE. I think in that line, if I may interject one question— if I were captured by the Germans in an American uniform would I have to prove, or would I be entitled to prove that I was, after all, a German, before being treated as a prisoner of war?

Mr. PANUNZIO. But you have not got these people in any such uniform.

Mr. VAILE. Well, it is about as much of a uniform as you can get them in.

Mr. PANUNZIO. You have still got some. It seems to me that I am fully confident that this committee—now, we approach, I approach, this subject exactly with your point of view. I came back from Europe only on the 12th of November and had not heard about the raids until I got here, or of the radical movement. We got just a little bit of it on the other side; and I took a trip directly to the coast. I was on fire with just a deep-seated hate and opposition of the whole movement and in favor of the authorities for having done what they did.

Mr. RAKER. Do you still have that same view?

Mr. PANUNZIO. In raiding these people?

Mr. RAKER. Are you still of that same view?

Mr. PANUNZIO. I am just developing that, sir. But when these reports came to us and I got personally in touch, into personal contact with some of these people—as I stated yesterday, there are three classes; one class that is out-and-out anarchistic and belongs to the proscribed parties and for them I hold no brief.

Mr. RAKER. Now, right there, one of the cases you gave us of a man who was held in jail at Hartford, a printer who wanted to be released because his wife was on her way to the United States from Russia.

Mr. PANUNZIO. I hold no brief for that man; I do not ask that he be released; I simply say that if that man in any way proves that if he belonged to a proscribed party, he belonged intentionally, he did not accept the principles, and he has proved to that effect, that he should——

Mr. RAKER. But he says he is an anarchist to begin with.

Mr. PANUNZIO. Then let the law take its course.

Mr. RAKER. Now, then, he appeals for sympathy and a right to stay in the United States because his wife is on the way to the United States.

Mr. PANUNZIO. That phase of it——

Mr. RAKER. And once he gets his wife here he is going to argue that if you deport him you are separating the family.

Mr. PANUNZIO. That is another question.

Mr. VAILE. I understood from your remarks a moment ago that you would be opposed to separating the family.

Mr. PANUNZIO. Simply because the law, I should not say the law, but the ruling should be that families be not disrupted, and simply upon the humanitarian basis we can not ask for anything else.

Mr. VAILE. Let me give you a case down there at Ellis Island. I went in with the chairman to interview some of these people, just as you have done. There was one case of a man who was a married man, Peter Bianke. He told the chairman of this committee that they were through destroying buildings, that hereafter they were going to destroy heads, meaning American heads, I suppose, my head and Mr. Johnson's head. Now he had a family. Is it your opinion that a humanitarian rule requires that man to be left to live with his family or requires that man to be put where he will not destroy heads, American heads?

Mr. PANUNZIO. American heads, yes. I——

Mr. VAILE. American heads; I am interested in American heads first; I am interested in all heads; but especially American heads; mine is an American head.

Mr. PANUNZIO. We agree about that.

The CHAIRMAN. I want to say further, sir, that this man Bianke was a very intelligent man and he was secretary of the Russian workers. We have appeals here in the files of this committee for him. Bianke was deported. Among others deported on the *Buford* was a young man of about 18 years old, just as fine a looking boy as you ever saw. He seemed for the moment to express a little regret that he was caught in this thing. However, he did not care where he was sent throughout the world, because it all would be adventure. He said that he had accidentally come on the study of socialism through reading in the public library in New York. The newspapers took that up and published columns about it and told how he——

Mr. PANUNZIO. Yes; I remember that case.

The CHAIRMAN. And told how his was such a sad case, how he was such a bright boy, but honest inquiry developed that his sister was married to Bianke and all the boy had learned of socialism and

later anarchy was learned in Bianke's home; that is where he was taught the principles of anarchy.

Mr. PANUNZIO. Yes, sir.

The CHAIRMAN. It is absolutely impossible to educate the American people as to the real force in such cases. Their sympathetic nature is appealed to. The newspaper instinct is such that it prints all of the apparently sad side of such a case as that and none of the real facts. Not a Member of this House could go on the platform, or even on the floor of the House and state the facts and have them believed. Now, what a thing we are up against!

Mr. PANUNZIO. Yes, sir. I fully appreciate the whole situation.

Mr. WILSON. Now, let me return to the case of the 40 who belonged to this proscribed organization and who, after the raid and having been arrested, denied that they subscribed to its doctrines which, if carried out, meant of course the overthrow of the Government. You state that you would investigate those cases individually to ascertain the disposition of each man with respect to that. Was that your position?

Mr. PANUNZIO. No, sir; my position is this: If, as indicated at Hartford where I went to visit the prisoners——

Mr. WILSON. Let us take—yes; I am talking about the cases where raids and arrests have been made.

Mr. PANUNZIO. Yes; there were 40, and I took their statements and then I traced to the hearings and found that the hearings——

Mr. WILSON. No; I am talking about a supposition—suppose you are the Government official charged with the responsibility of either ordering the deportation or cancellation of the warrants of these men. I am asking you how you would go about that?

Mr. PANUNZIO. I take those 40 cases. If I find that the inquiries reveal that there is no evidence of the fact that these men did belong to that organization in the sense of attending the meetings, paying the dues, subscribing to its principles, practicing its principles, and so on, subsequent to the date that the party was transferred. Then I would take each case into consideration.

Mr. WILSON. You get away from my case. My case does not consider anything about a transfer. We have made a raid and captured 50 men belonging to this Communist Party which had in its constitution and laws the doctrines read by Mr. Vaile, which, if followed out, would mean the overthrow of this Government.

Mr. PANUNZIO. For my information, sir, would you define what you mean by "membership?"

Mr. WILSON. Members in any of these different organizations that are proscribed, membership in one of them.

Mr. PANUNZIO. How?

Mr. VAILE. We will say that they are carried on the rolls as members.

Mr. WILSON. They have voluntarily and willfully joined it.

Mr. PANUNZIO. Now it is clear.

Mr. WILSON. Forty of them state upon arrest: "We do not indorse that doctrine; we do not stand for it; and we do not stand for any doctrine that teaches the overthrow of the Government." Then, the point was you are the Government official charged with the responsibility of saying whether they shall be deported or whether the warrants shall be canceled and the 40 released in this country.

How would you go about settling the question as to what you would do with those 40 men?

Mr. PANUNZIO. In the first place we have had the hearings. Of course, you will grant that. The hearing can be held.

Mr. WILSON. No; you have them under arrest.

Mr. PANUNZIO. I would take those 40 men who have—they have been arrested; that is it, is it not?

Mr. WILSON. In this raid.

Mr. PANUNZIO. They have been arrested?

Mr. WILSON. Yes.

Mr. PANUNZIO. I would give them their hearing; I would produce all the evidence there was against them.

Mr. WILSON. As to whether or not they believe in this——

Mr. PANUNZIO. As to whether or not they believe and as to whether or not even they were members.

Mr. WILSON. Well, you know in such cases as these the only people that have knowledge of that are usually their associates and their fellow members of the societies. Of course, you can appreciate that the public has very little opportunity to know——

Mr. PANUNZIO. Yes, sir.

Mr. WILSON. This denial of this anarchist that he believed in the doctrine set forth in the constitution of the society to which he voluntarily made himself a member.

Mr. PANUNZIO. I would give him his hearing; I would produce all the evidence available, and if I found that the evidence showed that the man did belong, belonged intentionally, belonged intelligently, why let the law be carried out and the man be deported.

The CHAIRMAN. Yes.

Mr. PANUNZIO. But you often find, I believe—of course, I have not had access to the books and I do not know for fact—but we find, for instance, in the case of that man that I mentioned yesterday; we found this man had contributed 50 cents to an organization; and I know thousands of such men in the immigrant communities, that a plea comes around and they will give 50 cents, they will give \$1 sometimes, oftentimes scratching their names, when they can not even read and write, as in the case of this man who only knew how to read the alphabet and he could sign his name; that is all he was able to do; he had never read the constitution of any of these parties, and he contributes 50 cents. Because he has contributed 50 cents in the book of the treasurer his name appears with that 50 cents on it. I have further evidence that man is not a member intelligently.

Mr. WILSON. You are entirely mistaken; it is not that class of cases we are discussing.

Mr. PANUNZIO. That is illustrative——

Mr. WILSON. No; it is not.

Mr. VAILE. His name appears on the books that were taken at the hall when they made the raid, but the cases we are talking about are those of the men who voluntarily joined one of these organizations. You are talking about somebody who has made a contribution to something. Somebody might have been taking up a collection on the score that those who gave were contributing to some worthy cause. Why, I might contribute, you might contribute, believing that we were doing something, for instance, to help poor little chil-

dren. But I am talking about people who have taken out membership—

Mr. PANUNZIO. But we have disposed of that.

Mr. VAILE. What?

Mr. PANUNZIO. I have made a statement of that; I made the statement, "Let the law carry out its course."

Mr. VAILE. And then we come to the proposition that you arrest 50 men, and they are members of the organization teaching the doctrine that has been read as being in the constitution of the party, which doctrine appeals for the overthrow of the Government. Does not that make out a case authorizing the deportation of those men if they be aliens?

Mr. PANUNZIO. Yes, sir. Just a moment; I have one word before that amendment, just on that point, where I am confident that oftentimes these members are not intentional members.

Mr. WILSON. I just want to show you now, just for illustration, of this Peter Bianke. His case is one I recall of those we heard in the New York hearing. I am not sure that he was the one I am talking about, but that is my recollection now. I asked him, "Do you teach the overthrow of this Government"? and he said "No." I said, "But the doctrine of your society teaches, if necessary in order to carry out the purposes of its proposition as published in the by-laws, the assassination of law-enforcing officials, the destruction of all papers and records indicating the private ownership of property, and the destruction of all boundary lines indicating and identifying private ownership of property"; and I said, "Do you believe in that"? He did not say anything. Then I pointed across the river to the sky line of the great metropolis and picked out one of the skyscrapers and said, "Under our laws any one of those big buildings one man may own, if he comes by it honestly, and may draw all the revenue earned by it; and this Government, with all the force of its executive authority, stands ready to protect the lawful owner in his rights. Do you believe in that"? He said, "No; I do not." Now, there is an admission of a doctrine in order to bring about the condition which he would desire that seems, necessarily, to advocate the overthrow of this Government, and I almost guarantee that if you run nine-tenths of the cases down you will find that to be true.

Further, I said to him: "Should you be successful in your plan what would you do with those buildings?" He said: "We would live in them."

The CHAIRMAN. He said: "We have passed the necessity of blowing up buildings because we can use them and we will have them to own and live in." He said that their attention from now on was to be given to the blowing off of heads of Government officials. I said to him: "Do you not think you ought to be in jail with those views?" He said: "I deny the right of any man to put any other man in jail for anything."

Mr. WILSON. As I understand your viewpoint, you are looking at this thing from the humanitarian standpoint?

Mr. PANUNZIO. Yes, sir.

Mr. WILSON. And also from the ethical standpoint?

Mr. PANUNZIO. Yes, sir.

Mr. WILSON. Now, your church, and I think practically every church and organization in America about which I know anything,

believes and teaches the doctrine of personal liberty and stands for personal rights and private ownership of property under our law and Constitution.

Mr. PANUNZIO. Yes, sir.

Mr. WILSON. And it is going to be a very dangerous thing to our Constitution if you pick out and bring into the church people that teach such doctrines as those which have been read here to you.

Mr. PANUNZIO. Which we do not, sir. You may misunderstand entirely our position.

Mr. WILSON. I understand your position, but we want to get the—

Mr. PANUNZIO. And we would not bring out anything that would in any way stand, in any form, shape, or manner against the Government or the principles of our democracy.

Mr. WILSON. You are here now representing this Interchurch World Movement, which is a movement that is going to have hundreds of millions of dollars which will be subscribed by American citizens; and you are taking up with us a question relative to immigration laws and relative to deportation of aliens and pointing out errors that have been made, and no doubt they are errors caused by some unintentional injustice in the legal procedure authorized and which has been put in force as against some of these people, and there is great liability that we may get on very dangerous ground.

Mr. PANUNZIO. Yes, sir; we fully realize that, sir.

Mr. WILSON. And I appreciate that you do not want to do that.

Mr. PANUNZIO. No, sir; absolutely not; and you can be certain that before anything will be published by the Interchurch World Movement, and before these statements ever go out, that they will be very carefully reviewed by the men of the highest judicial temperament who are thoroughly American in every sense.

Mr. WILSON. I do not know any more dangerous thing that you could do than to get into the heads of these alien anarchists than that a case must be made out against each one individually as to some overt action on his part when he is found belonging to one of these organizations. That is the most dangerous thing which you can do.

The CHAIRMAN. I want to obtain your views on the literacy test. Do you believe in the literacy test as existing in the present laws?

Mr. PANUNZIO. I have a very serious question about that, Mr. Chairman. I should be very glad to express my views.

The CHAIRMAN. Yes; the reason I asked you this is, because you apologized for some of these arrested aliens because you say they could just barely read some letters of the alphabet which, in your opinion, excused them from getting caught in bad company.

Mr. PANUNZIO. They did not get caught in bad company, they were not even with the company at all, they were caught in the home.

The CHAIRMAN. I want to get your view on that.

Mr. PANUNZIO. If, Mr. Chairman, I should go to Germany and I can not speak German, or if I should go to Italy and can not speak Italian and I stop over night in somebody's home, in a hotel, or in a boarding house, as thousands of these people do when they first come into this country and they are not able to speak our language, and I happen to be with Mr. Bianke in the same house, and the

Department of Justice comes and he finds Mr. Bianke and takes me along, why, it gets pretty near home.

The CHAIRMAN. You are in bad company, however.

Mr. PANUNZIO. Yes, but I may not know it, it may not be acceptable to me.

The CHAIRMAN. But you want all of these fellows to have the full right of an attorney immediately upon their being taken into custody?

Mr. PANUNZIO. Not necessarily; yes, I would.

The CHAIRMAN. I think you stated that as one of your principles.

Mr. PANUNZIO. Well, I think I would; that is, I would stand for—every man is a human being and the Constitution of the United States makes that very clear.

The CHAIRMAN. What would you do if you knew, if you were an investigator and knew to an absolute certainty of the affiliations of the man and his attorney advised him when taken into custody for deportation to deny everything, to deny membership in the society, to deny his name—

Mr. PANUNZIO. We found those cases, and I have no sympathy at all for that kind of a man.

The CHAIRMAN. Does not that increase the difficulties of the Government?

Mr. PANUNZIO. I have no sympathy at all for that kind of a man, but we are running on very dangerous grounds, it seems to me, in view of the fundamental principles of our country and the fundamental principles of our democracy; we are running on very dangerous ground the moment we do not give every man a chance to prove whether or no he is innocent.

The CHAIRMAN. We do, but we undertake, in the sovereign right of the United States in an effort to protect itself to make a few inquiries before the man has received advice as to what he shall, or shall not say. You might not get at the facts at all if you informed a man that what he would say would incriminate himself.

Mr. PANUNZIO. Evidently no person will do it; no person will do that.

Mr. RAKER. That is not a constitutional right of the alien.

The CHAIRMAN. These investigations are not trials; but the Government must constantly make inquiry for its own protection. We can not get orders for deportation of some who have been arrested under serious charges where the evidence discloses that they were not legally in the United States in the first place, no attention being paid to the fact that they surreptitiously stole into the United States; and now they are being rearrested for deportation and the great public hue and cry goes up that they having been discharged once should not be arrested again for the same offense.

Mr. WILSON. Would you change the present administrative hearing in relation to the deportation of aliens, to a judicial proceeding?

Mr. PANUNZIO. I have submitted that question to some of the brightest lawyers in this country and I have their opinions. As I stated before, I have no training in legal procedure and I do not know anything about law, to speak of; therefore, I have submitted this question to some lawyers, American lawyers, American-born lawyers, men who have given years of study to the question of law, who are instructors in law, who are instructors in one of the best

universities in this country, and I am advised by them, or from what I read of what they say, that it is the safest thing, everything considered, it is the safest way for the principle of our democracy to substitute judicial authority for the administrative hearing.

Mr. WILSON. At one time I felt the same way about that, but upon investigation I reached the conclusion that it would be the most dangerous thing that we could do.

Mr. PANUNZIO. On that position, sir, I would say, if I might go on with this statement, that on the question of whether suppression and repression ever really solves the problem; and history repeats itself.

Mr. RAKER. I can not get your viewpoint.

Mr. PANUNZIO. And what we know, I feel what we know to-day that if we could expend the same amount of energy and the same amount of money, and the same amount of talent to the education, to the positive education of these people in regard to the fundamental principles of our democracy that we would accomplish infinitely more than we accomplish by any method of suppression or repression; and I get that view from history. You can suppress, you can kill a few radicals, you can extradite them, you can exile them, you can send them anywhere, but by doing that particular thing you are bringing about the very thing you do not want to come to pass. History repeats itself, that you can kill individuals, but you can not kill ideals unless you can combat those ideals and ideas with ideas and ideals.

Mr. WILSON. That is just the speech that Mr. Trotski makes; your argument suggests that.

Mr. PANUNZIO. I have nothing to do with Trotski; I never believed in Mr. Trotski; I should not want that to go in the record.

The CHAIRMAN. What you are going to do with the alien who comes here already educated and comes with the idea that the first thing he is going to do is to get up an organization denouncing the Constitution.

Mr. PANUNZIO. I would kick him out.

The CHAIRMAN. And laws which he must invoke. Do you know any court or jury trial—

Mr. PANUNZIO. I would kick him out.

The CHAIRMAN. We are not far apart on that.

Mr. PANUNZIO. But, Judge, that is an extraordinary case; he is an extraordinary—

The CHAIRMAN. I used to think so, but the farther we go—

Mr. PANUNZIO. That is not the average case of these men who have been imprisoned.

The CHAIRMAN. What would you do with the Soviet ambassador, so called, Mr. Martens; what would you do with him; he is up for deportation now?

Mr. PANUNZIO. I have no way of judging that, Mr. Chairman, but I think I would get away with him.

The CHAIRMAN. Well, now, do you not know that that would be called by these agitators repression?

Mr. PANUNZIO. What is that? No; I do not think it would, Mr. Chairman.

The CHAIRMAN. Absolutely.

Mr. PANUNZIO. No; I beg your pardon; I do not think it would' by the American people.

The CHAIRMAN. No; not by the American people.

Mr. PANUNZIO. I can not believe it.

The CHAIRMAN. But it will be called repression probably by 99 per cent of these fellows who have been in danger of deportation and have been released.

Mr. PANUNZIO. Yes; but not by the American people. I have never doubted the American people, Mr. Chairman. I have stated, and I wish to repeat, that I have the most profound confidence in the American people ultimately.

The CHAIRMAN. I will tell you what our problems are right now. These difficulties are the result of indifference during the past 25 years as to who came to the United States; and at this moment when we are beset with these problems that seems to be almost impossible of solution, this committee will, next week, hear numerous committees, organized and representing great societies in an appeal to immediately get into the United States 5,000,000 more.

Mr. PANUNZIO. Mr. Chairman, talking on the bill, my position is that it is an exceedingly wise provision that there shall be a suspension of immigration for the next two years at least. I fully agree with that; but, Mr. Chairman, who is bringing these millions here, these millions of immigrants; who is bringing them?

The CHAIRMAN. Those who are bringing them are the people who want a class of inferior, underpaid laborers.

Mr. PANUNZIO. And I would point to them as the most un-American men that ever lived on this continent.

The CHAIRMAN. Well, I thank you for that statement.

Mr. PANUNZIO. As I have stated to you, I have just returned from Europe. I was in southern Italy, and I heard the statement of an official of the United States of America that whole villages in the Isle of Rhodes are being depopulated to-day and the people are being turned toward the United States of America. I inquired who was doing this, and my informant told me that as far as he knows there are certain agents of certain companies from the United States working in those villages and endeavoring to foster the immigration movement from Rhodes. I say, I repeat, that any organization, or any group of men that stand for anything like that represent the most un-American thing that is being done on this continent in relation to immigration matters. Now, that is my stand on that, Mr. Chairman.

The CHAIRMAN. Have you read Prof. Foerster's book on the Italian immigration question?

Mr. PANUNZIO. Yes, sir; I know Prof. Foerster well. I talked things over with him very thoroughly. I have worked with him and in his class; I just got a letter from him yesterday in relation to some matters. I believe Prof. Foerster understands that subject, and the Italians feel the same way.

The CHAIRMAN. Could you make it convenient to be here next week when this New York delegation will be here?

Mr. PANUNZIO. Yes, sir; I will be very glad.

Mr. KLECZKA. Do you believe that an alien has a right to advocate a change in our Government?

Mr. PANUNZIO. Is that as far as you go?

Mr. KLECZKA. Yes; do you believe that any alien who comes to this country and before he has taken the obligations of citizenship has any right to advocate a change in our form of government?

Mr. PANUNZIO. If you say legal, no; I would say no; I would say no. He may, may I add there, of course he may have come here with a conception that we make provision for him in our laws, with a conception of making a change in the government from which he came.

Mr. KLECZKA. Have you seen this document 172, Senate Document No. 172?

Mr. PANUNZIO. I have not, sir.

Mr. KLECZKA. The Bolshevik Movement in Russia and a letter from the Secretary of State transmitting certain memoranda on that aspect?

Mr. PANUNZIO. No, sir.

Mr. KLECZKA. Showing that the movement is international and they are not confining their efforts to Russia. Their efforts are to overthrow——

Mr. PANUNZIO. I have not seen that yet.

Mr. KLECZKA. I have another copy; I am going to give this one to you.

The CHAIRMAN. That is Senate Document No. 172?

Mr. KLECZKA. Yes, sir; Senate Document No. 172.

The CHAIRMAN. Now, then, let me ask you another question. In these deportation cases, where there is an honest doubt as to whether an alien is desirable or as to whether he should be deported, would you resolve the doubt in favor of the alien, or in favor of the country?

Mr. PANUNZIO. In favor of the country.

Mr. BOX. May I make a few inquiries of the witness, Mr. Chairman?

The CHAIRMAN. Yes.

Mr. BOX. You have made it plain to me, and I want it made plain for the purpose of this report that your activity is purely a church and humanitarian activity?

Mr. PANUNZIO. Yes, sir; and in addition to that is purely constructive.

Mr. BOX. You have discovered that this committee has to know the motives behind men?

Mr. PANUNZIO. Yes, sir; naturally.

Mr. BOX. And you are not in any way connected with any such society as those you have described?

Mr. PANUNZIO. Never, never.

Mr. BOX. But purely, and wholly, attempting to do humanitarian, Christian work?

Mr. PANUNZIO. Yes, sir; absolutely.

Mr. VAILE. You are anxious to help people?

Mr. BOX. I understood that was the gentleman's position.

Mr. PANUNZIO. In proof of that, Mr. Chairman, may I say——

Mr. BOX. Yes.

Mr. PANUNZIO. In the first place, I am just about to publish a little booklet that would answer a lot of these questions; I have it in the press.

Mr. BOX. We often find upon investigation that there are influences back of people that do not disclose themselves at first; and I would not be doing my duty here unless I was frank with you, and unless you were frank with us.

Mr. PANUNZIO. Yes, sir; I am frank.

Mr. BOX. I need not say that.

Mr. PANUNZIO. And I say in the first place my record is an open record. I have always believed in playing the game fairly and putting my cards on the table, everything I have. My record shows I have in every way stood for the principles of our Government and of our country.

Mr. BOX. Now, one thing more, and you will permit me to say I ask some of these questions by way of suggestion as well as seeking information—

Mr. PANUNZIO. Yes, sir.

Mr. BOX. I presume you have carefully considered the possible effect of conclusions that such an organization as yours would have upon public minds?

Mr. PANUNZIO. Yes, sir.

Mr. BOX. You know that if you are using considerable sums of money contributed by your brethren—and I suspect that it would be found that you have them around this table as well as scattered all over the United States—that such an activity as this, if generosity, gentleness of nature, and all those tender qualities that make our best part should predominate over judgment and over the stern side of duty, that such an impression as that going out through your great churches in America might do infinite harm; you realize that?

Mr. PANUNZIO. Yes, sir; fully.

Mr. BOX. One thing more important to their—

Mr. PANUNZIO. And, pardon me, if I just interrupt you on that and make you an answer that my workers, some of whom are here, often joked me continually because they may come with some impression on one side and another, and I am just constantly saying: "Facts, facts, nothing but facts"; so they joke me continuously. They say: "Well, now, what did you say—facts?"; and that is the thing I am trying to get at right straight through, and I have just had the battle of my life with some of the interests either on one side or the other for me to come out weeks ago with a statement on this question, and I answered: "No; just hold on; I am seeking for the truth and for the facts," and you can be certain that not only will we be glad to submit any report which we may have, as we will have for the executive committee of the interchurch world movement, but we should deem it a great honor and privilege to submit it to this committee for review—

Mr. BOX. Well, now—

Mr. PANUNZIO. For review and for approval; in fact, censure.

Mr. BOX. In dealing with this question, you realize you are dealing with men who, while they may not be charged with a crime, are charged with things that are close to crime and equally hurtful to society.

Mr. PANUNZIO. Yes, sir.

Mr. BOX. I beg to inquire if you, yourself, have had experience in dealing with criminals and criminal institutions?

Mr. PANUNZIO. Not directly, except just simply—you ask for prisons and I will answer by permission—

Mr. BOX. Well, I am asking it with a view to your work.

Mr. PANUNZIO. Except that I have—my father and my grandfather were both lawyers and I have had—

Mr. BOX. Well, I will say prisoners.

Mr. PANUNZIO. Prisoners?

Mr. BOX. Yes.

Mr. PANUNZIO. No; except that I recall in one or two of my pastorates, where there was a man that got into a little trouble and I just tried to help him.

Mr. BOX. You were never chaplain of a penal institution?

Mr. PANUNZIO. No, sir.

Mr. BOX. Nor ever associated with any large number of prisoners?

Mr. PANUNZIO. No, sir; I have not.

Mr. BOX. Were you ever about a State prison?

Mr. PANUNZIO. Yes, sir.

Mr. BOX. Enough to come in contact with the men?

Mr. PANUNZIO. Yes, sir.

Mr. BOX. What per cent of those prisoners did you ever interview that did not tell you a story of their innocence, of mistreatment in prison, and of injustice in trial?

Mr. PANUNZIO. I think your suggestive question would call for more or less of an answer that would be affirmative, but, on the other hand, it may be of interest to you in this investigation at Hartford, for instance, that I found—I do not recall how many, but a very large majority of the men who said: "Why, yes, we accept the principles of Communism; we want to be deported."

Mr. BOX. And you found some who denied it?

Mr. PANUNZIO. Yes, sir; and some of those who did deny it I did not believe.

Mr. BOX. Yes. I think, though, that you made your principal examination by talking to the men themselves.

Mr. PANUNZIO. Yes, sir; yes, sir; I went with pad in hand and asked them questions, asked them their name and so on and got their general impressions; and may I say that when I came to examine the records I found in the majority of the cases that the impressions which I had formed on my visits upon those men were correct by examination of the records here in Washington.

Mr. BOX. Now, further about your contact with prisoners, I have to assume if you ever saw any considerable number of men who were in prison, or prosecuted for crime, you never saw many whose trouble did not react presently on their families?

Mr. PANUNZIO. Oh, yes; I have taken that into consideration.

Mr. BOX. Yes; and yet you tell us we ought not to disrupt families.

Mr. PANUNZIO. Oh, yes; I know, I fully realize that; but, of course, there is a difference there and you will grant me there is a difference between crime and political crime, is there not?

Mr. BOX. Well, my friend, right there, right there, could there—

Mr. PANUNZIO. I do not mean political crime, but the acceptance of principles which may lead to political crime.

Mr. BOX. Yes, well—

Mr. PANUNZIO. There is a great difference there, is there not?

Mr. BOX. Yes; but you will permit me to say, and I think it is somewhat the viewpoint of this committee, that there is no crime of which a man could be guilty in America that would be more culpable and that would call for more vigilant activity on the part of the Government than one which would embroil this country in all the woes to which Russia has been subjected.

Mr. PANUNZIO. Yes, sir; I agree with you.

Mr. Box. And do you not think that your Government ought to deal with these men who are bringing poison to the heart of society as if they were the worst of criminals?

Mr. PANUNZIO. But I would deal, Mr. Chairman, I would deal in two ways. In the first place, with actual propagandists I would deal in the manner you have suggested, but I would deal with those who were subject to that propaganda, or those who may have fallen prey to that propaganda, in entirely different ways. I would deal with the leader in a positive educational way; for I believe, as I stated before, that nothing will enhance the interest of these very people who both you and myself condemn, and the Government should condemn and does condemn—nothing will enhance their own interests as much as a few hundred imprisonments, some exiles, some condemnations. History repeats itself. You will recall that when Christianity came into being the whole question came up——

Mr. Box. I see the full force of that argument and realize it, I think.

Mr. PANUNZIO. Pardon me until I finish this.

Mr. Box. I beg your pardon.

Mr. PANUNZIO. The question came up whether this minority which was now taking up this new religion, which was a criminal thing in those days—whether this religion should be condemned outright or not. It was then that Pilate, was it—who was it, do you remember?—that great student of law, made this statement, and you know, as my superior once said, that there is nothing as assured as a Jewish lawyer. He made this statement; that is, Pilate made this statement: "Gentlemen, if these people have anything that is at all right, or redresses the wrongs of the people, it does not make any difference what you do, they will conquer. If, on the other hand, they are wrong, they can not conquer."

Again, I refer to the statement that I made some time ago, that I have a profound confidence in the people and in the Government of the United States, and I believe that no doctrine, however pernicious, can possibly induce the people of the United States to overthrow the Government of the United States.

The CHAIRMAN. You will admit that Lenin and Trotski are wrong?

Mr. PANUNZIO. Yes, sir.

The CHAIRMAN. Yet they have conquered Russia.

Mr. PANUNZIO. Beg pardon?

The CHAIRMAN. They have conquered Russia.

Mr. PANUNZIO. They have conquered Russia because of certain conditions that were at the bottom. You have got to correct those conditions before you can change it, and I do not believe those conditions exist in the United States.

Mr. RAKER. None of the doctrines taught by the Communist Party, the I. W. W.s, the Russian Workers, can be said to be right.

Mr. PANUNZIO. I should think not.

Mr. RAKER. Their whole idea is the repeal of laws that prevent the accomplishment of their desires.

Mr. PANUNZIO. Yes, sir.

Mr. RAKER. Which would eventually mean the overthrow of our Government?

Mr. PANUNZIO. Yes, sir.

Mr. RAKER. Then, your illustration as to the general course would very aptly apply, would it not?

Mr. PANUNZIO. Except in this way, that I emphasize again that so far as leaders are concerned you can take one attitude and should take one standard attitude, but towards the people who are subject to that influence, and that propaganda we should take an entirely different attitude; I think we should educate them to see differently and to take each separate instance and try to show them, we explain the duties, and as I say, the influence from one side——

The CHAIRMAN. But, in the case of one of your apparent cases of injustice you should know that the man himself signed the order requesting the transfer of his wing of the Socialist Party to the left wing.

Mr. PANUNZIO. I did not say in this——

The CHAIRMAN. But you cited the record.

Mr. PANUNZIO. I did not draw on the imagination, I just cited the record.

The CHAIRMAN. The record which you cited then showed his statement that he did not know what he was doing, although he was intelligent.

Mr. PANUNZIO. I was simply reading to you an abstract; we had not formed our opinion; we have not reached our conclusion at all unless I may have reached a conclusion personally.

The CHAIRMAN. This committee has not either, for that matter, and it is just as proper for the committee to withhold statements as it is for you and your workers to do it.

Mr. BOX. In connection with the matter about which the chairman has just inquired I think I saw in your preliminary statement, and I do not say it by way of criticism; I am assuming since your answers to these first questions, that we are here for the same purpose.

Mr. PANUNZIO. Yes, sir.

Mr. BOX. But I think I saw running through them all a suspicion, a fear, that the Government was dealing inconsiderately, harshly, and unwisely often with innocent men, and I noted along with it the fact that you got your information primarily from the men charged with wrong and you submitted a few specimens of your inquiries; and you indicated a suspicion, or fear as to some particular cases. I do not think I was alone in getting that impression from your remarks. Now, I have to ask if you ever were in the office of a governor, or any other person charged with the duties of reviewing the record of men charged with crime; have you ever seen the affidavits and other exparte papers that can be gotten up and are gotten up in behalf of nearly every one of the thousands of men in prison?

Mr. PANUNZIO. Once I had the privilege of witnessing just such a thing in the case of—in Massachusetts. It was a general case, some years ago—I don't remember now.

Mr. VAILE. If you have had only one case your observation isn't wide on that score, but doesn't it suggest itself to you that every single man who has friends enough to present an application for pardon or commutation of sentence can file as large number of such affidavits as you have here? I have read those. I read that one from that aged Baptist minister and the one from the college professor and I tell you those sound weak compared with what the average criminal gets.

Mr. PANUNZIO. In that case I would revert to one of my fundamental contentions, namely, that, in the first place I would answer the question that I do not put very much weight to any such letters as some of these letters that have been submitted. In fact, personally I don't pay that much attention to a letter of introduction. A man offers me a letter of introduction, I put it in the waste basket. I feel if I can't come directly in contact with the man when I meet him and our personalities react on one another, it is a failure. For that very reason one of my contentions is that, is it not the wisest course for us to endeavor to give these men a judicial trial?

The CHAIRMAN. Let me ask you, you have a few cases of deportations on the *Buford* where your report, as far as made, shows that families were separated. I believe you had 11 or 12 cases?

Mr. PANUNZIO. Yes, sir; and you recollect that I stated that we have had a feeling of suspicion all along about all those reports and we have been working in several ways to try to trace and find out whether or not it is true.

The CHAIRMAN. I want to show you something. Twelve cases out of 249. You are aware of the fact that the Inter-Racial Conference has caused to be published in all the foreign language newspapers that it can reach and in some other newspapers and to be circulated in its weekly letters to Members of Congress and Senators and published broadcast a statement that great injustice had been done in 10 per cent of the cases, and quoting the Secretary of Labor with that statement.

Mr. PANUNZIO. I have not seen that statement.

The CHAIRMAN. I want to show you how those things go, and from what they start.

Mr. PANUNZIO. We will stand with you, Mr. Chairman, in making the facts known.

The CHAIRMAN. Neither your report when made, nor the report of this committee on the actual facts in regard to the deportation of 249 vicious people, could ever catch up with that statement that has gone to the public.

Mr. PANUNZIO. But on the other hand there has been a great deal on the other side that we ought to be able to counteract.

The CHAIRMAN. Read by the people who are not conversant with the exact facts. But your statement has gone everywhere. We hear from it in every way. Now your statement might run down to six or eight cases of men who were separated from their families in the same way that men are separated from their families when they are sent to jail for crime, or even when they are hanged for murder.

Mr. PANUNZIO. Yes, sir; you may recollect, Mr. Chairman, that that statement about families is just about that long. I haven't placed very much emphasis on that. I feel the whole thing is superficial and that it is liable to be misused and my workers will testify, if examined, that we have been joking about that whole situation.

Mr. RAKER. But if you should have just interpolated at the end of that sentence, "This is only superficial," it would have had its effect, but standing alone it has had its bad effect.

Mr. PANUNZIO. But as I said yesterday, a half dozen times or more, we haven't gotten together the close-up of this judicial proceeding.

The CHAIRMAN. I want to show you by this how keenly others are watching all these inquiries and how they hang on these little statements. I said that the statement was sent out as if it came from the Secretary of Labor. We have secured the statement from which that statement was deduced. It was not what he said. You have not the knowledge that in the State of Washington there are actually 60,000 known I. W. W.'s., all men. Many people now know about that order and what it is working for. Its principles are destructive. It is attached to the Communist Party, and probably every one of its members has read the manifesto of the Third Internationale, which you say you have not read.

Mr. RAKER. I want to get some fundamental statement from the doctor in regard to the present law on deportations and fundamentally on trials. He has made some statements, superficially, which I believe he is in favor of, that he don't believe in judicial proceedings for deportations. I want to question the doctor on that. I feel satisfied that he has not based his statement upon investigation and he will admit on proper examination that he doesn't know the fundamentals upon which the law is based and therefore superficially makes that statement. In justice to the doctor, I think that ought to go in.

Mr. PANUNZIO. But I have made very clearly the statement (I think if we will go back to the record we will find it). I stated in answer to the judge that personally I have no knowledge of law. I have not studied law except as indirectly—

Mr. RAKER. That is what I want to go into.

Mr. PANUNZIO. And that this judgment that comes to me comes from men who have made a study of the question.

The CHAIRMAN. Now we want you to bring if you can the names of those men.

Mr. PANUNZIO. If I am permitted by the men themselves to do so I shall be glad to do so.

Mr. RAKER. This committee has made a study of that. You are a student of this question; we hope to ask you to come here to another hearing, and make your statements with regard to immigration generally and suspension of immigration. That will eliminate then the details with regard to immigration.

Mr. PANUNZIO. Yes, sir.

Mr. RAKER. I hadn't finished the statement here. The Secretary proposed that we publish the cases referred to this morning of the Baltimore tailor; one man that is published. You are not ready to give out any counterexamples, neither is this committee, and we wouldn't consider it desirable. The statement of one man is as bad and damaging to the United States as if there were 10,000 of those cases.

Mr. PANUNZIO. Yes, sir.

Mr. Box. For instance, see what the Dred Scott decision did in American public opinion.

Mr. RAKER. Is there any difference, in your opinion, of a man indicted by a grand jury which had been empaneled according to the law, with all the qualifications of the law, and charged by a judge sitting on a bench of unquestioned standing and legal ability, and prosecuted by a district attorney whose record is above reproach, defended by a counsel who is beyond question, and acquitted, and the deportation of one of these men who has been turned loose? Should there be any difference in the one case and the decision of a case of

a deportation, and to say that the deportation was wrong and in the trial court to say it is right? Do you find any distinction at all?

Mr. PANUNZIO. I don't quite get you there.

Mr. RAKER. Don't it occur every day that men are indicted and tried?

Mr. PANUNZIO. Yes, sir. Give this man a chance.

Mr. RAKER. Isn't that true that every day men are indicted, tried, and acquitted; isn't that right?

Mr. PANUNZIO. Yes, sir.

Mr. RAKER. We don't condemn, and we don't want to uproot our legal proceedings in our courts by virtue of it, do we?

Mr. PANUNZIO. If a man is tried?

Mr. RAKER. Oh, no; we have admitted that men are indicted, tried, and acquitted in our courts.

Mr. PANUNZIO. You said acquitted.

Mr. RAKER. I am using acquitted all the time, in every instance I have referred to.

Mr. PANUNZIO. Is he guilty or not guilty?

Mr. RAKER. I didn't say anything about his guilt. I say he is legally indicted and legally tried and acquitted.

Mr. PANUNZIO. Yes.

Mr. RAKER. We don't want to uproot our courts because he has been acquitted, do we?

Mr. PANUNZIO. That isn't my contention.

Mr. RAKER. I didn't say as to your contention. I am asking your judgment about it.

Mr. PANUNZIO. That is out of the point.

Mr. RAKER. No; it isn't out of point. That is what I am going to drive right down; there isn't any difference in the trial of a man in a civil case and the trial of these men we are trying to deport.

Mr. PANUNZIO. There isn't any difference?

Mr. RAKER. No.

Mr. PANUNZIO. In the one case you have a trial by a jury.

The CHAIRMAN. Here is what we want you to get in your mind. The United States sets up some conditions under which aliens shall not come into the United States, and following that provision of law we set up similar provisions that if found within the United States they shall be deported. Among those are anarchists and those who preach and teach the destruction of property and the overthrow of the right of property and the overthrow of Government, and others who live off the lives of fallen women, and so on, and the shutting out all those people is for the integrity of the United States itself. You admit that the United States has that right?

Mr. PANUNZIO. Oh, yes. Except, if I may interrupt you at that point, that it has often occurred to me, especially talking about the literacy test concerned, that there is no question that these immigrants haven't come to this country fully on their own initiative. We have needed them as much as they have needed us in a measure, and naturally as you take the English or any one particular people, inevitably there are some that will creep in.

The CHAIRMAN. Yes; but I want to get this phase. Now then, if you found an alien in the United States who himself admits that he is an anarchist, what do you want to do with him? Shall he be tried by a jury, or is he due to be sent out of the country?

Mr. PANUNZIO. Which I claim——

The CHAIRMAN. Take another case of a man who we claim is an alien and joins the society for the destruction of this Government. What will happen if you undertake to try him by jury, when one man on a jury of 12 holding a similar belief or something near to it can hang that jury, causing it to fail to get a verdict?

Mr. PANUNZIO. It seems to me you are discussing a hypothetical case.

The CHAIRMAN. No; I am not.

Mr. PANUNZIO. It seems to me if you have a given case that can be discussed we can discuss it.

Mr. RAKER. Before the doctor passes on that lets restate this. Then before you pass on this situation so that I can be in position to ask you some questions—you are fundamentally opposed to the present legally constituted methods under our Constitution to deport aliens?

Mr. PANUNZIO. I haven't said anything of the kind.

Mr. RAKER. Are you?

Mr. PANUNZIO. No, sir; I am not. I am just simply saying that I have submitted for the consideration of this committee, as one of my suggestions, that there might be such a thing as a change in the law. I am not opposed to the present law. I would go to war for it to support it.

Mr. RAKER. While I merely put it up as a possible suggestion as a member of the committee seeking light for the purpose of legislating, I am asking him if that is his opinion and he says he is willing to go to war, to fight for it. That presents your position in an ideal way.

Mr. PANUNZIO. In a concrete way.

Mr. RAKER. No; I am asking you if you will come back before the committee and in a concrete way point out wherein the present law is inefficient?

Mr. PANUNZIO. No, sir; I will not do that. That isn't my ideal in life. My ideal is to come here with a constructive suggestion rather than a destructive way. You call attention to a weakness in the law which I don't care about. What I want to call attention to is the change.

The CHAIRMAN. You do care about a weakness in the law?

Mr. PANUNZIO. I do; but not in that way.

The CHAIRMAN. If the investigator who makes an investigation and reports by which a finding is based and a man deported is a weakness, then is the proposition by which a jury trial to determine whether a man should be deported from the country a greater weakness? You have a right to debate that and help decide it.

Mr. PANUNZIO. Yes; I have a right to debate that and I have developed along this way some halfway suggestions in order to safeguard the interests and instead of having the alien in the hands of one man who in a given case might not be competent (some of these men are exceedingly competent, we have the names of some immigrant inspectors who have done very excellent work in these cases), it might be a provision in the law could be made where two or three men could be called in from two of three places—men of judicial temperament, call it a hearing, not go through the process of law, may be, but something like that.

Mr. RAKER. Are you advised that two men do now sit and hear this testimony and not one man?

Mr. PANUNZIO. One man.

Mr. RAKER. I am asking you if you are advised as a matter of fact and as a matter of law that two men do sit and hear these cases for deportation when they come up to the commissioner's office?

Mr. PANUNZIO. My impression is there is just one man.

Mr. BOX. You are speaking of the original hearing, are you?

Mr. PANUNZIO. Yes, sir.

Mr. RAKER. What I am getting at is this: Will you point out to the committee if you have found anything wrong from the original arrest to the first hearing by agent, the second hearing by the Commissioner of Immigration, through the report of the Commissioner General of Immigration to the final report to the Secretary, where a man charged with illegally being in this country can not be given a fair trial by virtue of the law as it now stands? Can you, and will you do that?

Mr. PANUNZIO. You have made such a complicated request.

Mr. RAKER. It is all there is to it.

Mr. KLECZKA. Let me ask you as to this case. You are very much interested in substituting the jury trial. You are aware that in various States in this country we have workmen's compensation laws, where legal administrative machinery is provided for adjustment of all compensation. In these cases the men are deprived of jury trial, the right and power of decision is vested in one and in some cases in three men. The courts have upheld these provisions as constitutional.

Mr. PANUNZIO. Well, adopting quasi judicial proceedings. I am not fixing any definite plan.

Mr. VAILE. As I understand, right there, Doctor, you are not necessarily arguing for a judicial proceeding, by a jury, but a judicial proceeding what way it may take, and you are not necessarily in favor of leaving it to clergymen or lawyers or a jury?

Mr. PANUNZIO. Yes, sir.

Mr. RAKER. I have listened to the Doctor from his first statement down and I am asking him now as an investigator to point out to the committee from his investigations, to point out to the committee wherein and how it appears to him that an honest, fair and full opportunity is not given to an arrested alien for a hearing?

Mr. PANUNZIO. I think that could be shown if I had an opportunity to take some of these cases. As one of the cases I examined yesterday, the last case—not the last case I mentioned, but the case before—if I had the opportunity to bring that complete record here and pass it around to the committee I can, ipso facto, prove that is the case in some cases.

The CHAIRMAN. I think we are agreed that there are some cases where the main trouble of the man was being in bad company. It is my contention that just a few of these cases should not make it possible to say that all the others are miscarriages or mistakes.

Mr. RAKER. My dear Doctor, can it not be pointed out that hundreds of cases, where hundreds of cases of justice have miscarried in our civil courts?

Mr. PANUNZIO. That is true.

Mr. RAKER. And that is no excuse why the millions of cases should be thrown out?

Mr. PANUNZIO. That is true, but I say in the average case, that if I were, or if you were, to be judged for any report, or had to give

an account of yourself for any act or for having belonged to an organization that you would rather have a judicial examination than to have one man or even two men not acquainted with the evidence to adjudge you guilty.

MR. RAKER. Do you realize that in two-thirds of all the cases involving all the property in this country, that a man is not entitled to a jury trial and that they are disposed of by one man on the bench? that under our State constitutions and Federal constitution he can't get a jury trial?

MR. PANUNZIO. If that be the case I don't see that that would necessarily strengthen your position, sir.

MR. RAKER. It only strengthens my position to this extent; that there has been some attack on the method of deportation.

MR. VAILE. That is a judicial proceeding on which men have a right to counsel and have a right to all the laws for protection.

MR. RAKER. He has in this case. He has a right to counsel.

MR. VAILE. He has the right before an officer who is not the arresting officer. I am very much in favor of the Doctor's position, but not in favor of jury trials necessarily.

MR. PANUNZIO. You safeguard the thing you want to safeguard.

MR. RAKER. Yes; in every case, every day there are cases where the man on the bench is the prosecutor. He does the examining, he forms the complaint, and he enters the judgment.

MR. VAILE. That is a rather peculiar case.

MR. RAKER. No; that is true of compensation boards, the Railroad Rate Commissions and other commissions, where a man draws up the complaint and hears the evidence.

MR. PANUNZIO. But it doesn't appear to me that the weakness in one should hold forth in another.

MR. KLECZKA. But you must appreciate the effective operation of these workmen's compensation boards.

MR. PANUNZIO. I do.

THE CHAIRMAN. I appreciate the fact that these men, their relatives, and their ministers have a misunderstanding as to the law.

MR. RAKER. There is only one complaint I have, that is that the great, big party interested has not been represented. Instead of looking at the deportee and the society, the great, big, 110,000,000 people have no representation, and if you have a district attorney you have representation. No man can get a fair trial in court without a lawyer sitting there. He is at a disadvantage. That is the only question about this. This man in Chicago, the jury trial found him guilty. Quite probably he is sympathetic; he can read and write the English language, and he signs this declaration, and then he comes in and says "I am a good American citizen; I am in favor of protecting property and in favor of jury trials." But here is his own lie, and there read his statement, there is his own record there.

MR. PANUNZIO. Yes, sir. But justice should be done on each side.

MR. BOX. I want to ask the Doctor to consider, if he hasn't already considered it, which he doubtless has, I want to ask him to consider what effect a judicial proceeding would have in enlightening public sentiment of the extent of this evil among us and whether he don't think the advantage of an open, generally open daylight proceeding would be wholesome in enlightening the public mind and letting them know whether there is a substantial reason for the Government's action in this behalf?

Mr. PANUNZIO. Absolutely. But, as I said, I have the fullest confidence in the people of the United States of America, and I have a knowledge of some of the other peoples in Europe; and I have repeatedly made the statement that I see no Government, I see no people that are off and on, as just and true to the ideals of democracy as the people of the United States.

Mr. RAKER. So far, up to this time, there has been no evidence presented to this committee by anyone that there has been any secret proceedings in any of these proceedings or that there are any secrets, but, on the contrary, it is shown that they are all public hearings from start to the end, and the public has access to them. I have been waiting for that, but up to the present time—

Mr. BOX. Judge Raker, isn't it a fact or not, that there are many ex parte affidavits and statements made when the man is over there in prison and when the representative of the Government isn't about there, that you can go to any officer connected with the proceedings from top to bottom with an ex parte statement, while everybody else is away, and put something into that record that nobody knows anything about?

The CHAIRMAN. Have you seen any ex parte statement in the Department of Labor on file that is not on the side of the party accused?

Mr. PANUNZIO. What do you mean?

The CHAIRMAN. Letters to the Secretary or to the Assistant Secretary or anybody else in the department saying why a party should be deported?

Mr. PANUNZIO. No, sir.

Mr. RAKER. Isn't it strange that millions of affidavits are filed against American citizens and others, filed in the War Department and other departments, that they could not even see, that they were disloyal? Isn't it a fact that millions of statements are filed in the General Land Office against American citizens and others, which they can't even see under the law? Isn't it a fact that every man who is convicted and comes up to the Attorney General's office for parole or pardon, that there are statements that he can not see; that in other proceedings these statements are permitted to be filed that the party interested can not see, and yet in those deportation proceedings we talk about ex parte statements being filed which can be seen by anybody; you can go down to the department and see them. I want to think a little about that. I have had a little experience, that men all over the country who knew people to be very quiet and said they had been 25 years in the country and had stood up for what is right, but they had Bill Jones and others who said that they were not loyal citizens. Haven't Bill Jones and others filed statements in the Land Office against American citizens about a matter they can't see?

Mr. PANUNZIO. You seem to be defending a weakness.

Mr. RAKER. No, it isn't the weakness; it is the strength of the present proceedings to the protection of the Government and the alien. It is the strength of the proceeding. It is its efficiency, its expeditiousness, and its justice that appeals to a man, if you will go to it as against the ordinary judicial proceedings. That is my view of the matter.

(Thereupon the committee adjourned.)

BIOLOGICAL ASPECTS OF IMMIGRATION

HEARINGS

BEFORE

THE COMMITTEE ON IMMIGRATION AND NATURALIZATION

HOUSE OF REPRESENTATIVES

SIXTY-SIXTH CONGRESS

SECOND SESSION

APRIL 16-17, 1920

STATEMENT OF HARRY H. LAUGHLIN



WASHINGTON
GOVERNMENT PRINTING OFFICE
1921

COMMITTEE ON IMMIGRATION AND NATURALIZATION.

HOUSE OF REPRESENTATIVES.

SIXTY-SIXTH CONGRESS.

ALBERT JOHNSON, Washington, *Chairman*.

ISAAC SIEGEL, New York.
HAROLD KNUTSON, Minnesota.
ROSCOE C. McCULLOCH, Ohio.
J. WILL TAYLOR, Tennessee.
JOHN C. KLECZKA, Wisconsin.
WILLIAM N. VAILE, Colorado.
HAYS B. WHITE, Kansas.
KING SWOPE, Kentucky.

ADOLPH J. SABATH, Illinois.
JOHN E. RAKER, California.
RILEY J. WILSON, Louisiana.
BENJAMIN F. WELTY, Ohio.
JOHN C. BOX, Texas.
L. B. RAINEY, Alabama.

P. F. SNYDER, *Clerk*.

opportunit
rdness is
at ther
degener
ee fam
work
hum
puld

LOGICAL ASPECTS OF IMMIGRATION.

COM. ^{we}TEE ON IMMIGRATION AND NATURALIZATION,
ER HOUSE OF REPRESENTATIVES,
Washington, D. C., April 16, 1920.

The committee assembled at 11.10 a. m., Hon. Albert Johnson (chairman) presiding.

The CHAIRMAN. We have a gentleman here, Mr. Laughlin, who came at our request and whom we should hear.

STATEMENT OF MR. H. H. LAUGHLIN, OF THE EUGENICS RESEARCH ASSOCIATION, OF COLD SPRING HARBOR, LONG ISLAND, N. Y.

MR. LAUGHLIN. Mr. Chairman, I want to present the biological and eugenical aspect of immigration. Some of my remarks will be of a general nature, but I will support them by special data.

MR. BOX. What particular phase is he discussing?

The CHAIRMAN. I presume checking immigration; we will give him permission to put his statistics in the record.

MR. LAUGHLIN. The character of a nation is determined primarily by its racial qualities; that is, by the hereditary physical, mental, and moral or temperamental traits of its people. We have trained field workers who visit insane hospitals, prisons, and other institutions for the socially inadequate, get in touch with the inmates or patients, find out whether of native or foreign stock, and then go to their home territories and determine what kind of hereditary material they are made of; in fact, we are trying to solve the problem of the relative influences of heredity and environment in making these degenerate Americans. Since coming under national control our immigration policy has been determined largely upon an economic basis; this was especially true in the earlier years of Federal control, but in later years the sanitary feature quite properly entered, and during the war the element of immediate national safety ruled.

It is now high time that the eugenical element, that is, the factor of natural hereditary qualities which will determine our future characteristics and safety, receive due consideration. We are beginning to study this eugenical situation and to insist that it shall be given due consideration. Permit me to set forth a plan which our investigators thought should be enforced in testing the worth of immigrants. There are two features which if added to our immigration laws would, we believe, result in the development of a practical eugenic standard. First, we think that an examination of the immigrants should be made in their home towns, because that is the only place where one can get eugenical facts. If the investigator goes to an institution, a prison, a school for the feeble

minded, or a poorhouse and finds an individual
 can be told about the inborn quality of the sub-
 vestigator can secure the family history in the in-
 ritory, and can find out from that source what sort
 individual subject is made of, for example, whether
 an industrious or a shiftless family. If the prospective
 is a potential parent, that is, a sexually fertile person,
 her admission should be dependent not merely upon
 eracy, social qualifications and economic status, but
 possession in the prospective immigrant and in his
 of such physical, mental, and moral qualities as the American
 desire to be possessed inherently by its future citizenry.
 The importance of this condition of admission is driven home
 recall that immigrants are going to add to the breeding
 the American people in greater proportion than their
 numbers bear to the total population, because statistics have shown
 that immigrant women are more prolific than our American women.

Mr. Box. Can you give me that in comparative figures? I have
 been very much interested in that; for instance, can you state how
 many more children are usually born to the foreign-born women
 than to the American women?

Mr. LAUGHLIN. Yes, sir; I shall be glad to include these figures
 in a statement which I shall present later. Now, the immigrants
 ought to be made out of such stock that when they come to this
 country and are given the best of American opportunities and their
 children are given still better opportunities, their natural, physical,
 mental, moral qualities would respond to the democratic environ-
 ment of equality and opportunity and that the possessors of those
 traits would develop into desirable citizens.

You have all doubtless heard of the Jukes and Ishmaels; our field
 workers went to Indiana to study degenerate families, and found
 a certain name (now called the Ishmaels) so common that they
 said there must be something wrong with that family. They began
 to study it scientifically. To the first questions people would re-
 spond: "Poor things, they have never had an opportunity." But on
 further investigation it was found that they were the kind who
 would steal the bishop's silver if they got a chance; they were in
 institutions, in prison, and in the poorhouse. They were traced
 back into Kentucky and found to be about the same there, and then
 traced back to Virginia, where the clue seems to indicate that they
 had been deported from England, as was the former custom in that
 country. As a case in point, from 1788 to 1840 England deported
 social undesirables to Botany Bay, near Sydney, Australia. Dr.
 Charles B. Davenport, of our association, reported that in 1914
 Sydney had an excessively large slum district, populated to a con-
 siderable extent by the descendants of the Botany Bayers deported
 from England. That is one sort of study our association is making
 in immigration; we want to prevent any deterioration of the Ameri-
 can people due to the immigration of inferior human stock.

The CHAIRMAN. The two families you mentioned are who?

Mr. LAUGHLIN. The Jukes and the Ishmaels. Most of the Jukes
 are in New York State; they are a worthless, mentally backward
 family or tribe. You have to recognize the fact that although we

give opportunities in this country, everybody is not educable. This backwardness is not all due to environment, because our field studies show that there is such a thing as bad stock. There is a third famous degenerate family, the Kallikaks, of New Jersey, and while these three families have been famous in magazines and newspapers, our field workers every month send in case histories that deal with the same human types and conditions. The lesson is that immigrants should be examined, and the family stock should be investigated, lest we admit more degenerate "blood."

Mr. RAKER. Right there maybe you have not gone into it, but I have; if we see many male immigrants coming here and only a few female, that would degenerate the family that comes here, the males to a certain extent become degenerate; has that had any effect on these studies you have been working on?

Mr. LAUGHLIN. We have been concerned principally with the immigrant that reproduces here.

Mr. RAKER. The others you have not gone into?

Mr. LAUGHLIN. You mean as an economic proposition?

Mr. RAKER. Yes, sir.

Mr. LAUGHLIN. We draw the line there because we are interested primarily in stock and have not gone into the economic status of the nonreproducer.

Mr. RAKER. I wondered whether that nonreproducer or non-breeder did not affect those who should have been producers, by reason of the large number of males.

Mr. LAUGHLIN. You mean in the matter of illegitimacy?

Mr. RAKER. Yes, sir.

Mr. LAUGHLIN. We consider him a reproducer no matter whether his children are legitimate or illegitimate; a race is limited by the reproductive capacity of its females, and that is pretty well shown.

The American proposition calls for the medical, economic, and eugenical examination of the immigrant in his own town. Our highly specialized and skilled students have learned how to make such investigations. The American consul would issue a passport which the prospective immigrant could have only after giving a clean bill of health, showing that he has nothing wrong with him such as syphilis, that he comes from a sound and healthy family, although he may be unable to read, and that in his community his family standing for decency is secure. If his children can be taught to read we would consider him good stuff and would give him his passport; he would not have to wait until he got to Ellis Island to find out whether he might enter our country.

Mr. RAKER. In a concrete proposition developed out of that, as you stated, you mean there should be a certificate presented by the immigrant from his home town or his local or home physician as to his physical condition?

Mr. LAUGHLIN. Yes, sir; and as to his reputation and whether he would make a decent citizen. I would have these facts covered by an immigration attaché, and if favorable would have his passport signed by the American consul in the region from which the immigrant comes.

Mr. WHITE. Pardon me, but would you require them to display their character certificate, as kept in the Italian criminal records, if they had one?

Mr. LAUGHLIN. If that could be done without involving us in international complications; yes, sir.

The CHAIRMAN. You would have an immigration attaché at our consular offices in foreign countries, who, when a man applied with a passport from his country, would have authority to refuse his passport until he had made inquiry, and perhaps would require additional information before giving him a passport to the United States?

Mr. LAUGHLIN. And have that proved to the satisfaction of the United States.

The CHAIRMAN. The Italian would have an Italian passport, and if passport regulations are required he would have to get the American visé before he could start. Investigation of him would be made by an American official, who would give him an additional paper admitting him to the United States, which would not be a part of the Italian passport.

Mr. LAUGHLIN. We would not have to get the approval of the Italian Government, any more than we do now.

Mr. RAKER. In other words, his idea is to have an examination or inspection, as we do for stock and plants and seeds now?

Mr. LAUGHLIN. Exactly.

(The committee thereupon adjourned until 10 a. m., Saturday morning, April 17.)

COMMITTEE ON IMMIGRATION AND NATURALIZATION,
HOUSE OF REPRESENTATIVES,
Washington, D. C., April 17, 1920.

The committee assembled at 10 o'clock a. m., Hon. Albert Johnson (chairman) presiding.

The CHAIRMAN. At the time of adjournment last night Mr. Laughlin was proceeding to go into the discussion of the question of making an inquiry into the antecedents of proposed immigrants. I think we can resume on that now.

**STATEMENT OF MR. HARRY H. LAUGHLIN, SECRETARY OF THE
EUGENICS RESEARCH ASSOCIATION, COLD SPRING HARBOR,
LONG ISLAND, N. Y.**

Mr. LAUGHLIN. Mr. Chairman and gentlemen of the committee, the first point that I made was that in order properly to select immigrants on the basis of natural hereditary worth it was necessary to make examinations in their home territories, because when attempted examinations are made in this country we lack the information concerning the environment of the candidate, and such examinations are perfunctory and in most cases are a farce. Experience in our field studies in this country has proven that the only way in which adequate information concerning the social and hereditary worth, or the racial or family worth, of an individual can be obtained is to study him in the community in which he has resided for some time and in which he has become a part of the citizenry.

The second point, which I will take up now, is that when the immigrant lands in this country, although we have given him the most careful examination possible, the work is only half done; that there

should be maintained a national registry of aliens. As good Americans, concerned in the conservation of our country, we must follow up the immigrant's process of naturalization and Americanization. If, because of insanity, feeble-mindedness, moral turpitude, or shiftlessness, the immigrant does not make good, he should be deported. He can not be checked up in his progress toward assimilation unless he be registered and his conduct and condition described from time to time.

Every alien in America should be required to register at least once each year until naturalized, or until the particular alien dies, leaves the country, or is deported. The registration record of progress toward Americanization should include an account of the immigrant's learning of the English language, of his use of free American educational facilities, of the type of positions held, of his contact with the law, and of any charity aid rendered. There should also be recorded a statement of children born to the alien, and of the latter's natural qualities and conditions.

The schedule for registering aliens should be submitted to eugenicists as well as to economists, physicians, and sociologists, because ultimately these records will constitute foundation genealogical material just as important in determining and controlling the nature of our future population as records of foundation blooded stock are essential in pedigree tracing. The value of the publication by the Bureau of the Census of the names of the heads of families of the first census of 1790 has proven incalculable to persons who are now interested in tracing origins and hereditary trait values in existing American families. So the future publication of the proposed immigrant registry records would serve a similar purpose many decades hence. There is scarcely an American who would not give considerable to have a definite record of the natural qualities and conditions of each of his immigrant ancestors. Indeed, the coming to a new country marks a crisis in family history. It is the beginning of a new chapter. Not only would the registration of aliens supply the record of progress toward Americanization, but the fact that such records were in existence would most certainly stimulate activity in the direction of a commendable showing.

But from the standpoint of immediate service, a national registry of aliens would not only protect the Nation against anti-social conduct on the part of aliens whose interest in becoming Americans proves to be lacking, this service would make also the deportation of aliens who show certain anti-social qualities a feasible administrative possibility. Individuals admitted under bond could be located most certainly and seized for deportation in case the conditions of their bond were broken. Aliens who become insane, or who enter the country as children but whose mental development ceases in late childhood, and who hence become feeble-minded adults; individuals convicted of certain types of crime; those who break down with other physical, mental, or moral disorders—these classes could be deported much more readily if an alien registry were maintained, and thus not only would an immediate social and economic service be performed, but the country would be protected against reproduction by these racially defective aliens.

To summarize, it is clear that future immigration legislation and administration must take into consideration the fact that many

prospective immigrants are potential parents whose children will constitute a greater proportion of our future population than the number of immigrants bears to the total population, because immigrant women are on the average more fertile than native-born women.

The character of our future civilization will be modified by the "blood" or the natural hereditary qualities which the sexually fertile immigrant brings to our shores. This modification will be manifest to that degree to which the descendants of immigrants constitute our future citizenry. We should therefore make the possession of desirable natural qualities one of the conditions for the admission of sexually fertile immigrants.

To the biologist interested primarily in the practical working out of the eugenical or family-stock ideal in our immigration policy the two things now desired are:

1. That an examination of immigrants be made in their home towns, and that "immigration passports" be issued by the American consuls to individual would-be immigrants who pass the required physical, moral, sanitary, mental, and family-stock tests.

Mr. VAILE. Mr. Laughlin, if it will not interrupt you, I am very much inclined to question that statement that native women are more fertile than the native stock, and to attribute the larger number of children among the aliens to some sort of birth control actually exercised by American women. Now, our pioneer families were large families.

Mr. LAUGHLIN. Yes.

Mr. VAILE. My father was one of seven children; my mother was one of eight children; and their ancestors were both of Anglo-Saxon stock, and as far back as the history of the country goes their ancestors were also children in large families.

Mr. LAUGHLIN. With the permission of the chairman I shall present at this time the data to which I referred at yesterday's hearing. In statistical studies, we use the term "fecundity," to mean, not not potential fecundity, but actual number of children born. It may be that social and economic matters have prompted the small number of offspring among native-born women; it appears that this limitation is a sort of birth control. For small sections of the country, Rhode Island; Cleveland, Ohio; Minneapolis, Minn., and rural counties in Ohio and Minnesota, Dr. Joseph A. Hill made studies which show these results:

That in all of these sections the native-born women, white women of native parentage, white women of foreign parentage, and Negro women (that is, the northern Negro women) bore one child to every 3.5 years of married life. These studies show that the average white woman of native parentage had a child every 5.3 years, and the white woman of foreign parentage a child every 3.2 years.

Now, the interesting thing is this, that these white women of foreign parentage, in the first generation, have a child every 3 years, and after a generation their daughters had a child only every 3.6 years; and that the northern Negro woman had a child every 5.4 years; she is not fertile like the southern Negro woman.

The reason for this reduced birth-rate was not because the later generation were not able physically to bear children in larger num-

bers, as our colonial ancestors did, but simply because the conditions of greater ease in the country did not put a premium on large families, as the pioneer conditions did. The premium now is tending toward still smaller families among the more prosperous and cultivated. I think that the native stock will have to look to its laurels in this matter. It is a matter which is equally important with immigration, in conserving our original national characteristics.

Mr. Box. And of course, the national life will be controlled by the national characteristics?

Mr. LAUGHLIN. That is the fundamental cause of national conditions.

The second point is that every alien in America be required to register at least annually until he becomes naturalized, or until he dies, leaves the country, or is deported. The registration tax might well be differential in favor of those aliens who have made the greatest progress toward Americanization, but the total tax should be sufficient to make the registry service self-supporting.

If I may, I should like to give some figures to support these statements that I am making about costs.

The CHAIRMAN. Yes; you may do so.

Mr. LAUGHLIN. I should like to take up now the matter of deportation. The Kings Park State Hospital is located at Kings Park, Long Island, N. Y. It is one of the three largest hospitals for the insane in the country. It contains normally about 5,000 insane. During the fiscal year, ending June 30, 1919, the Federal Government returned to their European homes 11 of these patients, and at the end of the fiscal year there were 53 waiting for deportation. Now, to show how this would work out in connection with the proposition here—that an alien should be deportable, not only within the five years, as at present required, but until he becomes a citizen—let me say this: In this hospital at Kings Park there were on June 30, 1919, 5,815 patients. Of these 2,621 were foreign born, and of those foreign born 1,341 were still aliens.

Now, with regard to the cost. I made some studies for the Bureau of the Census, which show that it costs on the average in round numbers \$1 an inmate a day to maintain our custodial cases, including those in insane asylums, schools for the feeble-minded, schools for the deaf, poorhouses, prisons, etc. Those were the round figures for cost three or four years ago—in 1916, when these data were accumulated.

Now, if in this one hospital alone we have thirteen hundred and some odd patients and are expending on them \$1 a day, we can get an idea of the magnitude of the cost to the State in a year on account of these aliens that might have been deported for the cost of two months' maintenance; so that from the standpoint simply of the outlay of dollars and cents it would be more economical for the Government to maintain a deportation service of considerable size and efficiency to scour the country, the prisons if there is no legal complications there, the hospitals for the insane, the institutions for the feeble-minded—all custodial institutions for socially inadequate folk, and to deport all aliens found in them. That would seem to be one way in which we could purge the American stock of its prospective degenerating qualities.

The CHAIRMAN. The point is that under the law that now exists, if these persons are not deported within five years of their entry we can not deport them?

Mr. LAUGHLIN. That is it.

The CHAIRMAN. And then there were others who are a menace to the country who have come into the country surreptitiously. I do not see why that was ever put in the law that way.

Mr. LAUGHLIN. I think that any man ought to be deportable until he becomes a citizen.

Mr. Box. I think, as the law now is, any Chinaman, or any other person, who gets into the country and stays here five years can defy the authorities.

The CHAIRMAN. Do you remember a report that was made some time this year as to these New York institutions for the insane—the annual report? I can not think of the name of the doctor who made it; was it Dr. Brown?

Mr. LAUGHLIN. No; Dr. C. W. Pilgrim is the present State Commissioner of the Insane Hospitals in New York.

The CHAIRMAN. Those reports show the gross amounts spent by New York for the care of the insane.

Mr. LAUGHLIN. I made a study on this subject for the Bureau of the Census. It runs this way:

Massachusetts spends 30.5 per cent of all of her State government expenditures for the maintenance of the State institutions (not including county and other local institutions) for the socially inadequate; that is, the feeble-minded, the insane, the criminals, the blind and the deaf, the paupers, and the like. This 30.5 per cent is the highest State record. Then in this investigation I carried the figures clear down through the several States, and found that the lowest State expenditure for this purpose is by Alabama. Alabama has not developed her State custodian institutions to a very great degree; she spends only 5.4 per cent of her total State expenditures for this purpose. New York spends more dollars than any other State; but the percentage of the State expenditures for social inadequates is not as great as in the case of Massachusetts.

The term "socially inadequate" includes the following classes: (1) Feeble-minded; (2) insane (including the nervous and psychopathic); (3) criminalistic (including the delinquent and wayward); (4) epileptic; (5) inebriate (including drug habitues); (6) diseased (including the tuberculous, the syphilitic, the leprous, and others with chronic infectious segregated diseases); (7) blind (including those with greatly impaired vision); (8) deaf (including those with greatly impaired hearing); (9) deformed (including the crippled); and (10) dependent (including children and old folks in "homes," ne'er-do-wells, tramps, and paupers).

The following table is taken from the "Statistical Directory of State Institutions for the Defective, Dependent, and Delinquent Classes," which I prepared for the United States Bureau of the Census.

State expenses (not including municipal) for maintaining State institutions for the socially inadequate, 1916.

	Total.	Rank among States.	Per cent of total State expenses for this purpose.	Rank among States.
Alabama.....	\$425,018	40	5.4	48
Arizona.....	255,922	45	12.7	37
Arkansas.....	743,372	28	18.5	16
California.....	3,228,827	6	15.4	24
Colorado.....	684,053	31	18.1	17
Connecticut.....	1,503,022	14	20.5	10
Delaware.....	91,782	49	10.8	45
District of Columbia.....	345,280	41	3.5	49
Florida.....	491,854	36	16.2	22
Georgia.....	836,225	26	13.4	33
Idaho.....	279,667	43	14.9	29
Illinois.....	4,665,459	4	23.7	5
Indiana.....	2,578,716	8	14.4	30
Iowa.....	2,000,997	12	22.6	7
Kansas.....	1,404,173	16	24.3	3
Kentucky.....	1,339,818	17	13.4	32
Louisiana.....	933,992	23	15.2	27
Maine.....	753,172	27	10.9	43
Maryland.....	1,113,561	18	16.4	19
Massachusetts.....	6,322,275	2	30.5	1
Michigan.....	2,840,261	7	15.3	25
Minnesota.....	2,238,719	11	13.6	31
Mississippi.....	716,100	30	15.2	28
Missouri.....	1,885,125	13	20.0	11
Montana.....	589,940	34	16.4	18
Nebraska.....	976,516	22	23.4	6
Nevada.....	135,810	48	11.2	40
New Hampshire.....	456,840	39	22.2	8
New Jersey.....	2,344,680	9	13.3	34
New Mexico.....	186,453	46	11.6	39
New York.....	11,230,856	1	20.9	9
North Carolina.....	893,785	25	19.3	13
North Dakota.....	485,709	37	12.6	38
Ohio.....	3,966,756	5	24.6	2
Oklahoma.....	1,056,137	20	19.9	12
Oregon.....	624,676	33	16.3	21
Pennsylvania.....	4,772,212	3	15.2	26
Rhode Island.....	739,030	29	24.3	4
South Carolina.....	466,598	38	16.4	20
South Dakota.....	493,200	35	15.6	23
Tennessee.....	1,058,595	19	18.7	14
Texas.....	2,285,383	10	12.7	36
Utah.....	265,194	44	9.4	47
Vermont.....	287,044	42	10.3	46
Virginia.....	908,329	24	11.2	42
Washington.....	998,286	21	11.2	41
West Virginia.....	683,983	32	18.7	15
Wisconsin.....	1,444,576	15	10.9	44
Wyoming.....	165,261	47	12.8	35
Total.....	75,203,239			
Average.....			17.3	

Mr. Box. May I ask a question? Did you notice any parallel between the foreign population and those great expenditures? For instance, I do recall that the foreign population of Alabama is very small, and that of Massachusetts is very high—those two States that you mentioned?

Mr. LAUGHLIN. Yes. Pertinent to that, let me give you these figures:

Let us take the census of 1900. In the census of 1900, the foreign-born population of the country was 19.5 per cent; that is, of the persons over 10 years of age; and they contributed 34.3 per cent of the total insane population. Now, if that foreign stock was just as good as the stock already here, it ought to have contributed only 19.5 per cent.

The CHAIRMAN. In that connection the charge is often made that the aliens coming into the country, or a large proportion of them, rather, fall into such distressing conditions that insanity develops, and not only insanity, but all the conditions that are brought about by poor nutrition and poverty?

Mr. LAUGHLIN. Of course, as in every desirable human condition in every unfortunate condition there are the two factors; hereditary make-up on the one hand, and environmental conditions on the other; we should allow some differential in favor of the alien here on account of the stress of new conditions. But we must remember that many aliens come to our country, endure the most distressing conditions, and bear up under it all; they do not break down. We have made a study of some families in which, under the least distressing conditions, this or that individual member will break down and be sent to the insane hospitals; and we have made studies of other families who have undergone much more distressing circumstances, year after year, and have borne them and have not broken down at all. We should allow a differential, but we should not allow that much—

Mr. Box (interposing). Let me interrupt you just a minute: Have you had occasion to compare the conditions of the alien here and his conditions where he came from? If there is any force in the argument that the chairman has stated—the chairman does not advance it as an argument, he only mentioned it for your consideration—but if they find conditions so much worse here that a man who was sane when he came had become insane here, that would argue that they are leaving good conditions in their own countries to come to bad conditions in this country; and men do not ordinarily leave their own homes under those circumstances.

Mr. WHITE. Of course, it may be under a misapprehension.

Mr. LAUGHLIN. No; it is the stress of the change, not necessarily from good to bad, but from familiar to unfamiliar scenes.

Mr. Box. Have you had occasion to study the relative percentages of insane and inadequate people in the countries from which they come and in this country—the native stock at home—and then under American conditions?

Mr. LAUGHLIN. No; we have not done that, although we want to do that some day. The statistics at present available do not give us a comparable condition. Now, even in our own States—take Massachusetts, for instance; it has a highly developed system of caring for the inadequates; compare with it some of the States that let them run almost wild; it would be pretty hard to deduce eugenical values from the institutional statistics alone. We can see the great variation in the expenditures of the individual States on account of custodial care, from one-third to one-twentieth—but this does not mean that this ratio in any manner measures the relative values of the human stock resident in the States compared.

There is one other statistical item that I want to give you. It also is from the New York State Hospital Commission. The frequency of insanity among the foreign population of New York State is 2.9 times that of the frequency of insanity in the population of native birth.

Mr. Box. Two and one-half times as great?

Mr. LAUGHLIN. That is, the first commitments to hospitals for the insane in New York State.

And I want to add a figure that will give us an idea of the cost of custodial individual in an institution: For the New York hospitals for the insane, the average number of years in which the foreign-born insane were kept in those hospitals was 9.85. That is to say, in these greater hospitals, practically half of the population are of foreign birth, and they are kept there nearly 10 years, at a cost of about \$1 a day apiece. But from the standpoint of science, we are not so much concerned with this economic outlay, but we are concerned with the progeny of these individuals, their children born before they entered the hospitals and after they came out.

Mr. Box. May I ask, at this point, if it will not divert your line of thought, a question?

Mr. LAUGHLIN. Certainly.

Mr. Box. I want to ask whether there are not a great many who do not advance quite to the stage where society has to take charge of them that are in a condition to bring children into the world—I mean those who come close to the line, and who are weak?

Mr. LAUGHLIN. That is a great problem—the problem of the moron. The feeble-minded are classed in three great groups. The lowest are the idiots—the men can not attend to their own wants; they have to be clothed in dresses, and wear diapers. Then, above the idiots, there are the imbeciles, who can not be trained to do ordinary work; they, too, have to be placed in institutions. Then, above the imbeciles, come the morons. They are the border-line cases; they have the bodies of adults but the minds of 9 and 10 year old children; they can be trained to do useful pick and shovel work of a certain type, but they can not get along in school, no matter how long they attend. Nor do they acquire social responsibility.

Mr. VAILE. How do you spell that word?

Mr. LAUGHLIN. M-o-r-o-n. It is a Greek word, meaning “a foolish person.”

And those women of the border-line cases are often fertile. If you go to the schools, such as the one at Gainesville, Tex., where we have a field worker now, we find that the moron girl is highly fertile sexually. She has not any sexual inhibitions, as a rule, and her fecundity is limited only by the number of years in which she is physically capable of bearing children and coming in contact with men; that is, physiological, not social, conditions limit the fertility of the average female moron that is not placed in an institution and protected.

Now, a moron can slip through the immigration sieve, as it exists to-day, pretty easily. And the moron is really a greater menace to our civilization than the idiot. The idiot is of so low a grade that we simply cast him out, and do not admit him at all; but it is the border-line cases that we can not determine unless we go into the home territories. A moron comes before the immigration board, passes the very elementary tests, and is admitted. But if we study the moron in his or her home town, we find that such person generally comes from a family of low social value. They may or may not be able to read; if not, you may say that, that is due to the environment, the lack of opportunity; but at the same time investigation shows that they have not been able to take advantage of the opportunities that they have had. In the societies in which they live they are of a low caste, and they and their children will be low caste over here. They are not only low by our scale; they are low by the lowest scale.

Mr. WHITE. With regard to those morons, has it been scientifically demonstrated that they are incapable of much advancement if they have the opportunity and care is taken of them?

Mr. LAUGHLIN. Yes. Take the institution at Vineland, N. J.; a special study of the morons has been made there under Dr. H. H. Goddard. That is a privately supported institution; men of wealth have put considerable money into the thing and have said to those in charge of it, "We are going to give you an opportunity now to see how far you can train the morons, whether the condition of the morons is not really, after all, due to lack of proper care." And they have the best psychologists and the best teachers in the country there; and they found that they could train the moron so far, but no further. They are mental incompetents. Some of those moron girls physically are well developed and handsome enough to look at, but most of them are not. All of them are poorly endowed mentally and emotionally.

The CHAIRMAN. That is to say, they get the full growth and develop properly physically, but—

Mr. LAUGHLIN (interposing). They stop mentally below 10.

The CHAIRMAN (continuing). But are checked mentally?

Mr. LAUGHLIN. Yes.

The CHAIRMAN. Now, they are not stupid to converse with, are they?

Mr. LAUGHLIN. No; not the best of them. A 10-year-old boy is a pretty smart affair, but he is hardly capable of transacting business. They can take care of themselves physically, but not socially or economically; if girls, they can wash dishes, can do housework, and they can be taught to do embroidery work and other manual work, but they can only go so far in school; they can not learn to attend to business. They can't carry responsibility.

The CHAIRMAN. Well, are there not some cases—I know that you would give them that name—where the moron has not come from a low family but has been checked through disease?

Mr. LAUGHLIN. Yes. That does not show degeneracy of stock, however.

The CHAIRMAN. No; I understand.

Mr. LAUGHLIN. It is simply an unfortunate happening or accident to the individual. Scarlet fever may stop the mental development; but that does not show that the individual comes from bad stock. But the average moron that you find in the institutions has had fair opportunities and has not been marked with extraordinary diseases, but has brothers and sisters and cousins and uncles of the same type; it is the stock.

Mr. Box. Do you know whether a larger percentage of those morons come from the foreign population than from the native population? In other words, you have just demonstrated that, in certain communities, of the total number of insane and other that have to be restrained by society nearly three times as many come from the foreign born as from the native born population. Now, in these moron cases, are they in about the same proportion as those who are wholly incompetent?

Mr. LAUGHLIN. Some investigators report, after wide study, that approximately 3 per cent of the total public school population of

the country are morons; other investigators think this percentage is too high, but all agree that the type is very common. I am sorry that I do not have these exact figures at hand, but, as in the case of the insane, the feeble-minded and practically all other types of the socially inadequate are recruited more numerous from recent immigrant stock, in proportion to its total number, than from our older settlers. Apparently the quality of our immigration is declining. It is not so much a matter of nationality—that is, northern European blood against southern European blood—as of skimmed milk versus cream in each of the countries sending us immigrants.

Now, in reference to foreigners, one notices, by the names of individuals who are found in institutions, that the lower or less progressive races furnish more than their quota. In the last report that I read from the schools for delinquents at Whittier, Calif., and at Gainesville, Tex., about half of the names were American and the other half were Mexican or foreign sounding—names of delinquents of foreign stock who, in the case of Texas, had penetrated almost up to the Oklahoma border line.

Mr. Box. And nearly half of the inmates of that institution were Mexican or foreign born of some kind?

Mr. LAUGHLIN. I do not know the exact statistics, but I know that many of the cases that come from these institutions bear Mexican names.

Mr. Box. Yes; and if the population of the State is three-fourths non-Mexican, that would indicate that the Mexican population is furnishing an unduly large proportion of those cases.

Mr. LAUGHLIN. That is the way it works out.

Now, in the matter of race mixture, Mr. Chairman, if I may I should like to bring up a point: The committee of the Eugenics Research Association has had the matter in hand, and has failed to find a case in history in which two races have lived side by side for a number of generations and have maintained racial purity. Indeed, you can almost lay it down as an essential principle that race mixture takes place whenever there is racial contact.

Mr. Box. What do you mean by "racial purity" as you have used the term?

Mr. LAUGHLIN. For instance, if the Negroes and the whites live side by side, will all of the children of the next generation be descended only from Negroes in their half and only from whites in their half?

Mr. Box. If there is any race mixture, would you say that there was not racial purity?

Mr. LAUGHLIN. No, sir; hardly that. Race mixture does not mean the entire abolition of the pure races. In the island of Jamaica 3 or 4 per cent of the population are entirely white—no black blood—but the individual that calls himself a Jamaican is a mixture of white and black. The higher races everywhere tend to keep themselves pure on account of the relative chastity out of wedlock of the women of the higher caste; and the lower race tends to mix for exactly the opposite reason. Wherever two races come in contact, it is found that the women of the lower race are not, as a rule, adverse to intercourse with men of the higher. And that has been true throughout history. It is true now.

In America, from the beginning of the slave trade up until its abolition, in 1808, the estimates of the number of Negroes who were brought to the United States or to the Colonies vary from 333,000 to about 400,000; there were less than half a million at the highest estimates. Now, the last census shows nearly 10,000,000 Negroes and mulattoes in the United States; that is, the descendants of this one-third of a million of immigrant blacks amounts to about 10 per cent of the total population to-day.

During this period of Colonial and national existence, from 1607 to 1919, less than 35,000,000 persons came to this country. There are now, say, 110,000,000 people here; and we will say about 1 per cent of the immigrants who were Negroes under the slave trade have, because they reproduce faster than the whites, grown from 1 per cent of the total population to 10 per cent.

There are, besides the element of differential fecundity, other principles which we must take into consideration. One of these is that the effect of an immigration upon the character of the population depends not only upon the number and inborn quality of the particular immigrant types, but also upon the time when the immigration took place; the more remote in national history the immigration the greater the effect of a given number on national character and institutions.

In 1741 Benjamin Franklin estimated the population of the 13 colonies at 1,000,000; he also estimated that from the beginning of colonization up to 1741 there had been approximately 80,000 immigrants. These 80,000 had in 134 years increased to 1,000,000.

Altogether there have been approximately 35,000,000 immigrants to this country, but certainly the 33,000,000 that came within the last 100 years have not had the same influence upon our national characteristics as was exercised by those first 80,000. And so the time is an important factor. That means, for the present, that if we are to look to the conservation of our Nation another 100 years in the future we must take great care to see to it that degenerate stock does not come in now.

If, however, the Nation is senile, if we are ready for the grave nationally, then it would make no difference. But from the standpoint of national perpetuity the character of immigrants, as we have shown from Franklin's estimate, is very important.

The CHAIRMAN. What do you make from that fact, that in the time that Franklin estimate about the immigrants were largely English people; they made what we now call the American stock—whether they were immigrants in the figures that he included or settlers of the colonies.

Mr. LAUGHLIN. Well, the settlers were immigrants. He estimated that 80,000 had come to the colonies from 1607 up to 1741; they were the settlers, the foundation stock.

The CHAIRMAN. Yes.

Mr. LAUGHLIN. And I will repeat that certain of the descendants of those 80,000 have had more to do in determining our national institutions than the millions that came here later; they were on the ground floor. They established our form of government largely; they set up our political and social and religious ideals; they gave us our language. And they increased rapidly; families were large in

those times. So that it was really a newer Britain; that is what it amounted to—a New England.

Mr. Box. May I ask a question? In these studies of yours, which are highly interesting, have you studied the races of Europe comparatively? For instance, take the old American stock, which is largely English, with much Irish, much Scotch, some, German, and people from northwestern Europe. And you also have observed in your studies that the immigration of the last 30 years is coming in much greater proportion from other countries—from Italy and from the countries of southeastern Europe. Have you compared those races in your studies, as to whether they show greater inferiority in the particulars which have come under your attention than that old stock of which Benjamin Franklin spoke?

Mr. LAUGHLIN. It is doubtful whether there is a single country in the world that does not have many families so splendidly endowed by nature that they would not make excellent and desirable additions to our citizenry. But because our foundation stock is largely from northwestern Europe and our national life was largely determined after the northwestern European pattern, we find the assimilation of immigrants from this section of Europe to be a much simpler task than the Americanization of Latin or other stocks less closely related to us in nationality. We like to think also that the percentage of hereditary excellence is higher in our parental countries of Europe than in other nations. Perhaps it is; but by setting up an eugenical standard for admission demanding a high natural excellence of all immigrants regardless of nationality and past opportunities, we can enhance and improve the national stamina and ability of future Americans. At present, not inferior nationalities but inferior individual family stocks are tending to deteriorate our national characteristics. Our failure to sort immigrants on the basis of natural worth is a very serious national menace.

In the institutions for the criminal insane of New York State in 1912 among the total foreign-born inmates Austria furnished 5.3 per cent. I have a list of the different nationalities, but it will take too long to read it all, but I will give some extracts from it. Italy furnished 23.1 per cent; Russia and Poland furnished 12.6 per cent; Scandinavia furnished 1.8 per cent; Scotland furnished 0.2 per cent; England and Wales furnished 5.5 per cent.

Mr. VAILE. Those figures would only be valuable in connection with figures showing the percentage of those nationalities in the community.

Mr. LAUGHLIN. Yes, sir; or the number. Those numbers are given in this table also.

The CHAIRMAN. Will you insert that table in the record?

Mr. LAUGHLIN. I will be glad to do that.

(The statement referred to is as follows:)

FROM JAMES V. MAY: IMMIGRATION AND THE INSANE IN THE STATE OF NEW YORK. NEW YORK STATE HOSPITAL BULLETIN, APRIL, 1912.

[Abstracted by Dr. C. B. Davenport.]

In 1890, 455,302 immigrants and in 1910, 1,041,540. Twenty-six per cent of these aliens became residents of New York State. From 1890 to 1900 increase in number of insane per 100,000 of the population was 26 per cent. In 1890,

16,006 under State control, in 1900, 23,778; an increase of 48.5 per cent. 1910, 32,658, or 37 per cent more than in 1900. In February, 1912, there were 31,432 patients in 14 State hospitals (41.9 per cent of whom were of foreign birth). Careful studies have shown that the frequency of insanity in our foreign population is 2.9 times greater than in those of native birth.

During the year ending September 31, 1911, the State disbursed approximately \$11,378,000 for the care of the insane.

The tremendous increase in our insane population is largely due to the admission of defectives from other countries (p. 9).

Taking the country as a whole the foreign born, which in 1900 formed only 19.5 per cent of the total population of 10 years of age, contributed 34.3 per cent to the total insane population (p. 12).

Table 2, page 14, shows the relative proportion of the different countries contributing to the foreign population in hospitals for the insane.

Comparative statement of the nativity of the foreign-born insane in New York State.

Country of birth.	Total insane in institutions, Dec. 31, 1903.		Insane in civil hospitals, Feb. 10, 1912.		Insane in hospitals for criminal insane, Feb. 10, 1912.	
	Number.	Per cent of foreign population.	Number.	Per cent of foreign population.	Number.	Per cent of foreign population.
Austria.....			593	4.5	29	5.3
Canada.....	454	3.8	486	3.7	22	4.0
England and Wales.....	721	6.1	731	5.6	30	5.5
France.....	161	1.4	136	1.0	1	.2
Germany.....	3,044	25.7	3,179	24.2	93	17.0
Hungary and Bohemia.....	271	2.3	457	3.5	14	2.6
Ireland.....	4,777	40.3	4,270	32.0	111	20.3
Italy.....	433	3.6	655	5.0	126	23.1
Russia and Poland.....	809	6.8	1,515	11.5	60	12.6
Scandinavia.....	387	3.3	442	3.4	10	1.8
Scotland.....	158	1.3	163	1.2	1	.2
All other countries.....	643	5.4	537	4.1	40	7.3
Total.....	11,850	100.00	13,163	100.00	546	100.00

This table shows that of the foreign-born insane in civil hospitals 32 per cent are Irish, whereas of the foreign born in hospitals for the criminal insane only 25 per cent are Irish. On the other hand the proportion for the Italians is 5 per cent and 23 per cent, respectively, and for the Poles and Russians 11.5 per cent and 12.6 per cent. Austrians 4.5 per cent and 5.3 per cent, respectively. This shows that the Italians, Russians, Austrians (largely Jews) constitute a large proportion of the insane.

The conclusions to which Drs. May and Pollock have come are:

That the number of foreign-born insane in the State hospitals is steadily increasing.

That the foreign-born population of the State contributes a relatively much larger number of patients to the State hospitals than the native born.

That although the rate of insanity among the Italians is low, this nationality contributes an unusually large proportion of patients to the State hospitals for the criminal insane.

That the average total hospital residence of the foreign-born insane patients is 9.85 years.

That the first admissions of 1911 show a rate of insanity 2.2 times as great among the foreign-born population of the State as among the native born.

That the rate of insanity among the foreign born of New York City is 2.5 times that of the native born.

That about one-fifth of the foreign born first admissions of 1911 entered hospitals before having been in the State five years.

That the larger part of the immigrants who are admitted to the State hospitals within five years after entering come from Austria-Hungary, Italy, and Russia, and the largest percentages of foreign-born illiterates are found among the same nationalities.

That there is a high rate of paresis among patients coming from Scotland, Canada, Hungary and Bohemia, and France.

That there is a high rate of alcoholic insanity coming from Ireland, Great Britain, Canada, and Scandinavia.

Mr. LAUGHLIN. According to the thirtieth annual report of the New York State Hospital Commission, there were in 1918 8,700 total admissions, including both first and readmissions. Of the first admissions, 53.1 per cent were citizens by birth and 7.4 per cent by naturalization, while 27.5 per cent were aliens. Of the readmissions, 62.1 per cent were citizens by birth and 17.9 per cent by naturalization, while 19.04 per cent were aliens.

Under the present Federal law, aliens who have become public charges within five years after coming to America are deportable to the country whence they came. It is the policy also of State custodial institutions to return or deport noncriminal public charges to their home States. In 1918 the State hospitals of New York so returned 326 insane persons. This was accomplished partly at the expense of the State and partly at the expense of friends of the patients. Forty-one States and Territories received their own residents from New York's hospitals by this process during the year mentioned. For the most part, the greater number of the insane persons thus returned were residents of near-by States, although some came from the remoter sections of the country.

Since 1894 New York has removed 12,243 alien and nonresident insane from the State. Of these, 7,747 were aliens and 4,496 Americans, but legal residents of States other than New York. The year 1912 witnessed the deportation from New York State of 1,171 alien insane. The number varies greatly from year to year. In 1918 this State deported only 53 such aliens.

This same report of the State hospital commission presents in Table 23 a classification of family histories of first admissions according to sex and psychoses. We learn that of the total of 6,797 first admissions 2,302 are recorded as having a "family history of insanity, nervous diseases, alcoholism, or neuropathic or psychopathic traits;" 2,352 as patients with "no unfavorable family history;" and 2,143 as "unascertained."

The basis of classification of diagnoses is the list of 22 classes, used throughout the reports of State hospitals, and includes those undiagnosed psychoses, those not insane, and those with the several types of syphilitic mental disorder and other classes in which we do not necessarily expect unfavorable family histories. Considering the limited facilities of State hospitals for gathering family-history data, it is probable that both in the list of those reported as having "no unfavorable family history" and the "unascertained," further investigation would transfer a number of them into the class of patients having a family history with psychic defects of some sort.

Equally interesting is Table 24, giving the constitutional make-up of first admissions. Of the 6,779 first admissions, 3,509 are rated as temperamentally normal, 1,954 temperamentally abnormal, and 1,334 unascertained. Intellectually, 4,852 are classified as normal, 774 abnormal, and 1,171 unascertained.

The eugenical and economic teaching of these statistics is that a community which produces an antisocial citizen should be made to care for him. When such responsibilities are well established and supported

by law and custom, communities will begin to take a more active interest in practical eugenics, at least in that phase of eugenics which seeks to prevent the reproduction of unsocial human stock.

The CHAIRMAN. Now, let me ask you this question, please: I want to ask you about the change of the wording of the present law with respect to the new words in the excluded classes of the psychopathically inferior.

Mr. LAUGHLIN. I think the term constitutional psychopathic inferiority is a good term to place in the law, because it is a scrap-basket term, and it implies poor stock in the family; and in the particular individual, it implies degeneracy. I think, however, that if in section 3 of the present law, which, if my recollection serves me right is the section which lists the excluded classes—

The CHAIRMAN. Yes; that is correct.

Mr. LAUGHLIN (continuing). One other condition—not another class, but another condition should be added; and that is that no immigration passports—I rather invented that term here—that no immigration passports should be issued to applicants who can not demonstrate to the satisfaction of expert immigration officials, immigration attachés, if you please, trained in family-history study, that the individual applicant is not characterized by feeble-mindedness; is not characterized by insanity, criminalistic conduct, or by general shiftlessness, and that among his or her immediate family, the incidents of these traits is very low.

That term “general shiftlessness” is an expression which may need some explanation, but I think that we will all agree that it describes the type of citizen that we do not want in this country. In every little Italian, or Scandinavian, or English, or Scotch town, there are village ne’er-do-weels who have not made good among their fellows. That is the type of immigrant which we want to exclude, even if he can stand up and get by the immigration officials and is able to pass the reading test, and can pay the head tax and may legally come into this country; we do not want him anyway. He is poor immigrant stock.

The CHAIRMAN. We all agree with you; but the trouble with making phrases of that type is this: That many of that class of cases would fall more easily than this inferiority class of cases does, under this objection: That this comes to the decision of some one man and depends upon that.

Mr. LAUGHLIN. That is, of course, important.

The CHAIRMAN. Now, the information that this committee is receiving is that there are a great many insane persons whom the law have sought to keep out of the country, but who are being placed in the country under bond for one year. I have not the exact figures, but it is several hundred for the last 18 months.

A family comes here and says, “Here is an insane person in the family,” and the appeal is so strong that they are permitted to bring in the insane person. Now, if we carry that further and get it down to just general shiftlessness, there must be somebody to make the decision as to that.

Mr. LAUGHLIN. That is why, Mr. Chirman, the decision ought to be made on the other side by a person trained in family history and modern field studies. This would have solved the problem of

sympathetic appeal by preventing the near kin of insane persons from coming into the country in the first place. You would have to have your psychiatrist to diagnose the specific man as to the degree of his sanity; but you leave it to your field workers to bring to this psychiatrist the first-hand facts. General shiftlessness could easily be made into a technical term by a little definition in the law. It could be made a technical term by describing it by a 50-word paragraph; it could be described exactly, so that you would limit the activities of the field agent in the matter.

The CHAIRMAN. Have you made any studies lately as to the insane at Ellis Island?

Mr. LAUGHLIN. No, sir; we have not been permitted to go to Ellis Island for investigations since the war. We used to go there and have free access to the people and the records, but we do not have that any more. I do not know what the situation is there with respect to that.

The CHAIRMAN. Before you get away from that there is another question in my mind: You described certain forms of insanity. What have you to say about the type that become very excited, or very enthusiastic, about propositions and get to be fanatics?

Mr. LAUGHLIN. Well, they are maniacs. The technical term is maniac-depressive, if they show undue enthusiasm alternating with melancholy. If they do not show periodic outbursts of enthusiasm, but invent a system which will not work, and hang right on to that system, they show a paranoid form of insanity. Psychiatrists have names for all of those different types.

The CHAIRMAN. Yes; I will not ask you the details. But what I was getting at was this: Do the conditions that prevail throughout the world—the war and its consequences—develop some of the types in great numbers, in your opinion?

Mr. LAUGHLIN. I should think the stress of war would cause members of families who have a constitutional psychopathic weakness to break down in larger numbers than the normal conditions of life would cause.

The CHAIRMAN. Including types of inferiority that would not be easily recognized by inspectors at United States ports of entry?

Mr. LAUGHLIN. Yes, sir; there are many.

The CHAIRMAN. There are many now; but in your opinion, the cases have been accentuated, or will be, as a result of the war and its consequences?

Mr. LAUGHLIN. Yes, sir. I doubt, however, whether the inspectors at Ellis Island would be able to notice a great change in that respect. An individual who can get money enough, and organize his individual resources enough to get as far as Ellis Island, even if he is potentially insane, is pretty apt to stand up and get through the mill. In fact, if you go to the average modern hospital for the insane, where the individuals are bolstered up, even on a close study of the matter, you will find there many cases of doubtful insanity.

It is only when a continued study is made by a psychiatrist that the correct diagnosis is made in many cases. Other cases, of course, are obvious to anyone.

Mr. WHITE. I would like to ask one question: You think that the higher sanitation that is prevalent in the country at the present time,

as compared with former times, 50 and 60 years ago, the better food and clothing and housing, has had the effect of preserving the life and the adding to society of an element that would have perished through lack of hardihood formerly?

Mr. LAUGHLIN. Yes, sir. I think the tenderness with which modern civilization and charity care for many of its so-called defective classes has been biologically unfortunate in that it has bolstered up individuals who under a lower civilization would have perished.

Mr. WHITE. It has been unfortunate from a biological standpoint, but we are all directing our efforts in that direction nevertheless on account of humane considerations?

Mr. LAUGHLIN. Yes, sir; it is a conflict or rather a lack of coordination between the two. Patriots must solve the problem without in the least destroying humane care. There need be no conflict, and we must at all hazards preserve our best family stocks.

Mr. WHITE. That brings up another thought that occurred to me a moment ago: That now the State exercises the greatest care over its unfortunate citizens, and people are now under State care who formerly were either cared for or neglected, as the case might be, by their own families; and we did not have the statistics at that time that will establish the number of those people in society, as we do at this time; and that is frequently, I think, used as a basis for argument that is not actually justified by the facts of history and present conditions—a comparison of the numbers of those persons in the two periods, because we have statistics on those subjects now that we did not formerly have, even within the space of my own recollection.

Mr. LAUGHLIN. That is undoubtedly true; there is that difference.

Mr. WHITE. That would lead to erroneous conclusions, would it not?

Mr. LAUGHLIN. It would, unless the person making the analogy would take the facts you have stated into consideration; they must be taken into consideration; the record must be taken in its full setting. To-day more social study, increased custodial care, and better statistics show facts and conditions concerning social inadequacy which were not known at an earlier date. Judging from the statistical compilations alone, one could easily prove that our race is running down hill very rapidly, but if we bring all of the evidence together we can not but conclude that the white American family stock from the landing of the Pilgrims up to a generation ago was at least maintaining its own. Judging not by to-day's total known inadequates compared with yesterday's, but by to-day's inadequates of foreign stock compared with to-day's inadequates of older stock, the recent "easy and promoted" immigration is not up to the former standard.

Mr. WHITE. Now, there is some danger that that will, to a degree, weaken the intellectual and mental status of the social body if these persons outside of the border line and those still a little farther outside—they are members of society, and live as such, and have offspring, and they reproduce a race of people that are not as competent as the average and not anywhere near as competent and effective as the higher classes. And if we are going on to that, there is a serious situation that confronts us, it seems to me.

Mr. LAUGHLIN. That is a case where your immigration studies mesh in with the marriage laws of the country. The marriage laws ought to govern reproduction by persons already in the country.

I want to say, in reference to custodial care, that there is one type of pedigree which our field workers have run into, which we call the "almshouse type." The almshouse is usually a town institution, in which the inmate is not segregated from contact with the general population, as are the inmates of our great modern State institutions. The result is that the moron girl that goes to the almshouse generally gets there because she is pregnant or has a baby, and as soon as she is able to work again she goes out into the community, and the next year she comes back and has another baby. We have many pedigrees that show that process of human reproduction in which one moron girl will be bolstered up and cared for by the community, as she should be; but then she should be safely and permanently kept from contact. She is a permanent institutional case, who has been bolstered up by society just enough to have a baby a year of her own class. But on the other hand, if she is placed in an institution and kept there during the reproductive period, society is protected. That is the effective and humane remedy for the almshouse type of human reproduction.

Mr. Box. Now, speaking of the point suggested by Mr. White and your answer to it, if it is true that a larger percentage of these border-line people come from foreign sources, then there would be the remedy for that evil in the provision suggested by you, to that extent?

Mr. LAUGHLIN. Yes; to the extent that they come from foreign stock, selection of immigrants on the basis of biological fitness would be remedial.

Mr. Box. And if the number of those foreign cases is large in proportion to the number of American cases, the number affected by the provision would be large in proportion to the total of such cases?

Mr. LAUGHLIN. That would be the logical conclusion.

The CHAIRMAN. This has been very interesting, and we want to thank Mr. Laughlin for his statement; and I want to suggest that when we come to reading this bill over we invite Mr. Laughlin to come down.

Mr. Box. Yes; and I hope this hearing will be printed in such numbers that we can get as many as we want.

Mr. LAUGHLIN. Mr. Chairman, I thank the committee for its courtesy in hearing our testimony.

APPENDIX.

CARNEGIE INSTITUTION OF WASHINGTON,
EUGENICS RECORD OFFICE,
Cold Spring Harbor, Long Island, N. Y., May 28, 1920.

Hon. ALBERT JOHNSON,
Chairman Committee on Immigration and Naturalization,
House of Representatives, Washington, D. C.

DEAR MR. JOHNSON: With this letter I am taking the liberty to inclose the draft of a bill which seems to me to cover as effectively as can be done in the near future the provisions for examining immigrants in their home towns before coming to America. The purpose of the draft is clear, and I feel that it can well be made the basis for legislation in the matter.

Very sincerely,

HARRY H. LAUGHLIN.

A BILL To provide for the examination of prospective immigrants before leaving their home countries, for the establishment of a corps of immigration attachés, and for the establishment of an immigration passport system.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established under the Immigration Service of the United States a corps of immigration attachés, which shall be organized and directed by, and the members of which shall be selected and trained by, the Commissioner General of Immigration.

SEC. 2. That the total membership in the corps of immigration attachés shall not exceed in numbers 1 to each 300 prospective immigrants for the ensuing fiscal year.

SEC. 3. That there shall be two grades of membership in the corps of immigration attachés: First, immigration inspectors, who shall report directly to the Commissioner General of Immigration, and whose duties shall be to inspect the work of and to advise the Immigration Service in foreign countries, as represented by the Consular Service and the corps of immigration attachés. Immigration inspectors shall not exceed in number 1 to each 100 immigration attachés. Second, immigration attachés, who shall be assigned by the Commissioner General of Immigration to the consular offices of the United States in foreign lands in accordance with the needs of the Immigration Service in the particular concomitant region.

SEC. 4. That immigration attachés shall be able to converse in the language of the persons among whom they work; they shall be familiar with the immigration history, laws, regulations, and customs of the United States, and with the emigration history, laws, regulations, and customs of the country in which they are stationed. They shall be trained in the modern field method of studying family histories and social diagnosis with the special view to determining the hereditary and social worth of the persons studied, and they shall be selected on account of their competency in these lines and also for their diplomacy, tact, and patriotism.

SEC. 5. That immigration attachés shall report directly to, and shall be under the immediate orders of the consul or consul general to whose office they are severally assigned, and they shall be governed by the laws, rules, regulations, and customs governing special attachés in the diplomatic and consular service of the United States.

SEC. 6. That each prospective immigrant who desires to emigrate to the United States shall make application to the American consul of the district in which the particular applicant is a resident. The consul shall then assign to an immigration attaché, if one is available, the task of determining the qualifications of the particular applicant in meeting the immigration laws and regulations of the United States.

SEC. 7. That if an immigration attaché is not available to undertake the investigations provided for by this act, it shall be the duty of the consul to obtain the required information by such other resources as he may command: *Provided*, That in no case shall the decision in reference to the application for an immigration passport be delayed more than one year: *Provided further*, That one denial of an application for an immigration passport shall not prevent subsequent applications, nor shall it prejudice the consideration of additional facts.

SEC. 8. That it shall be the duty of the immigration attaché to explain to would-be immigrants to the United States the nature of the immigration laws and regulations, and to describe as accurately as obtainable information will permit, the actual situation in the United States in reference to employment and opportunities for and limitations to social, educational and industrial advancement, but shall neither purposefully encourage nor discourage immigration. Immigration attachés shall examine into the sanitary, pathological, literary, psychiatric, social, and eugenical qualities of persons contemplating immigrating to the United States, and who apply to the particular consulate to which the attaché is assigned for immigration passports.

SEC. 9. That in addition to the classes of aliens excluded from admission to the United States by section 3 of the immigration act of February 5, 1917, the following class shall be excluded: All persons sexually fertile at the time of the investigation or prospectively, who can not, in collaboration with the American Consular and Immigration Services, demonstrate their eugenical fitness.

SEC. 10. That eugenical fitness is hereby defined to consist in the possession of such natural hereditary mental, physical and moral qualities as give promise not only of educability and socially fit citizenship on the part of their possessor, but also of the transmission to his or her offspring of socially valuable qualities.

SEC. 11. That the sanitary, pathological, literary, psychiatric, social, and eugenical qualifications for the admission of immigrants shall be determined as completely as possible at first hand in the home region of each particular immigrant, in accordance with specific outlines and rules determined by the Commissioner General of Immigration: *Provided*, That the required record shall include an account of the reputation of the individual for decency, industry, ambition, and law-abiding qualities, and that a special effort shall in each case be made to determine the sort of human stock from which the particular would-be immigrant springs.

SEC. 12. That it shall be the duty of the immigration attachés personally to secure, in friendly collaboration with the individual applicant for an immigration passport, and with the officials of the town and country in which the particular applicant is a resident, all of the above required information: *Provided*, That if the particular attaché is not a duly licensed physician, he may employ, at a fee to be determined as reasonable by the consul to whom he reports, the services of physicians for making the sanitary, pathological, and psychiatric examinations required of immigrants to the United States.

SEC. 13. That immigration attachés shall report to their respective consuls their complete findings in reference to the sanitary, pathological, literary, psychiatric, social, and eugenical qualities of the particular candidate for admission as an immigrant to the United States.

SEC. 14. That there is hereby established a form and authority which shall be known as the immigrant passport, and which shall be designed and approved by the Commissioner General of Immigration, and which shall be used by the American consuls in granting permission for applicant immigrants to enter the United States in accordance with the provisions of the immigration laws and regulations of the United States. Immigration passports shall be of such design and form as to insure their greatest permanency, legibility, ease of care, and difficulty in counterfeiting.

SEC. 15. That an immigration passport shall be issued to each applicant immigrant who duly applies for it to the American Consul in the region in which the particular applicant immigrant resides, provided that the sanitary, pathological, literary, psychiatric, social, eugenical, monetary, and fee requirements of the American immigration laws and regulations are, after due examination and investigation as provided by this act, deemed by the consul to have been adequately met: *Provided*, That an individual applicant whose immigration passport has been denied by an American consul may have the privilege of appealing to the consul general under whose jurisdiction the particular consul may be.

SEC. 16. That each applicant immigrant over 16 years of age shall pay to the American consul \$5 upon application for an immigration passport, which sum shall not be refunded in case the passport is refused. If, however, the conditions of immigration are deemed to have been met, the American consul, upon the additional payment of \$5 by the applicant immigrant, shall issue to the particular applicant immigrant an immigration passport which shall bear, in addition to the record of having met the conditions of the American immigration laws and regulations, the signature or mark, the photograph, and the finger prints of the particular applicant.

SEC. 17. That the possession of an immigrant passport shall entitle the applicant immigrant to enter the United States as an immigrant any time within one year from the date of its issue, unless meanwhile the passport be revoked for cause, or unless the presence of infectious disease demands exclusion or delay in accordance with quarantine regulations.

SEC. 18. That no applicant immigrant shall enter the United States as an immigrant without an immigrant passport duly issued in accordance with the provisions of this act by an American consul.

SEC. 19. That children under 16 years of age, accompanied by a parent or guardian, shall require immigration passports, but the charge for each such immigration passport shall be \$1: *Provided*, That the field investigation for such be made in conjunction with that of a parent or guardian; but if an independent investigation be required, the child shall be required to pay the full preliminary and final fees required of adults.

SEC. 20. That the immigrant passport shall be retained by the immigrant until the particular immigrant makes his or her first annual registration as an alien in the United States at the Bureau of Alien Registry, at which time and to which bureau the immigration passport shall be given up, and in its place the Bureau of Alien Registry shall issue a certificate of alien registration.

(NOTE.—This, of course, assumes that a Bureau of Alien Registry will be established.)

SEC. 21. That a lost passport may be duplicated by the Immigration or 'Consular Service upon the payment of a fee of \$1: *Provided*, That in all such cases conclusive evidence as to personal identity shall be required.'

SEC. 22. That all fees and moneys collected under this act shall be paid into the Treasury of the United States.

SEC. 23. That the President is hereby authorized and directed to reorganize and to suspend such parts and activities of the existing Immigration Service as are necessary in executing this act.

SEC. 24. That there is hereby appropriated \$——— for the fiscal year —— for inaugurating and maintaining immigration service provided for by this act.

SEC. 25. That this act shall take effect six months after the date of approval. •

PROPOSED RESTRICTION OF IMMIGRATION

HEARINGS

BEFORE

THE COMMITTEE ON IMMIGRATION AND NATURALIZATION

HOUSE OF REPRESENTATIVES

SIXTY-SIXTH CONGRESS

SECOND SESSION

ON

H. R. 12320

APRIL 22, 1920

STATEMENTS OF

ISAAC BACHARACH

LOUIS MARSHALL

JOHN WILLIAMS

DR. ALBERT SHIELS

JOSEPH MAYPER

WASHINGTON
GOVERNMENT PRINTING OFFICE
1921

COMMITTEE ON IMMIGRATION AND NATURALIZATION.

HOUSE OF REPRESENTATIVES.

SIXTY-SIXTH CONGRESS.

ALBERT JOHNSON, Washington, *Chairman*.

ISAAC SIEGEL, New York.

HAROLD KNUTSON, Minnesota.

ROSCOE C. McCULLOCH, Ohio.

J. WILL TAYLOR, Tennessee.

JOHN C. KLECZKA, Wisconsin.

WILLIAM N. VAILE, Colorado.

HAYS B. WHITE, Kansas.

KING SWOPE, Kentucky.

ADOLPH J. SABATH, Illinois.

JOHN E. RAKER, California.

RILEY J. WILSON, Louisiana.

BENJAMIN F. WELTY, Ohio.

JOHN C. BOX, Texas.

L. B. RAINEY, Alabama.

P. F. SNYDER, *Clerk*.

PROPOSED RESTRICTION OF IMMIGRATION.

COMMITTEE ON IMMIGRATION AND NATURALIZATION,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Thursday, April 22, 1920.

The committee this day met, Hon. Albert Johnson (chairman) presiding.

The CHAIRMAN. The committee will be in order. The hearing this morning is a continuation of the hearing on H. R. 12320, which is a tentative draft of an immigration bill. The committee is desirous of hearing statements of all kinds in regard to immigration. There is present this morning the Hon. Isaac Bacharach of New Jersey, who has a brief statement to make.

STATEMENT OF HON. ISAAC BACHARACH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY.

Mr. BACHARACH. Mr. Chairman and gentlemen of the committee, the district that I have the honor to represent, of course, is being affected a great deal by farm labor, the same as the rest of the country.

The CHAIRMAN. You mean by a shortage of farm labor?

Mr. BACHARACH. Yes; by a shortage of farm labor.

According to the statistics of the census taken in 1910 the State of New Jersey ranked forty-fifth in the Union in point of area, eleventh in population, and of its total land area 53.5 per cent is in farms.

I have the honor of representing the second congressional district, which comprises the counties of Atlantic, Burlington, Cape May, and Cumberland. The industries of the second congressional district are most diversified in character. In the counties of Atlantic and Cape May are situated the finest seashore and health resorts in the world, while in Cumberland and Burlington Counties we have thriving manufacturing centers, as well as farm lands of the highest character, where intensified farming and fruit growing is carried on in the highest degree.

The value of agricultural products as given in the census report for 1910 for the State of New Jersey amounted to \$40,340,000, and of that considerable sum \$8,727,052 was contributed by the second congressional district made up of 4 counties out of a total of 21 in the State.

I believe it is safe to say that the census for 1920 will show that there has been an increase in the value of farm products and farm activities of all sources of more than 100 per cent.

Like all other agricultural centers in the United States, the farm operators of New Jersey are experiencing great difficulty in getting sufficient and suitable farm labor, and the shortage in help at this time is most alarming. It is most urgent that something be done to relieve this condition without further delay if we are to have a

sufficient production of farm crops to take care of the growing needs of the country.

A very large percentage of the boys who entered the military and naval service from the second congressional district were taken from the farms. Many others who were unfit for military service because of physical disabilities or by reason of advanced age, left the farms to take employment in the shipyards, munition plants, and other manufacturing industries engaged in war work, where the glare of high wages and short hours attracted them.

Many of those who entered the military service went to France where they came to know the pleasures of city life; those who did not go overseas were sent to camps located in the vicinity of large cities where the boys soon became educated in city ways and lost their desire for farm life. As a result few of those who left the farms during the war returned to farm work when the war was over; they continued to remain in the factories where wages continued high and hours short—in other words, as one writer on farm topics puts it, they remained “within sound of the whistle.”

As a result there is a very great shortage in farm labor at the present time and apparently there are no ranks from which such labor can be recruited unless we lower the bars which keeps certain immigrants from our shores.

We are faced with a very serious problem which calls for prompt action. There seems to be no way to overcome this shortage of labor excepting to permit foreigners who are equipped for this sort of work to come to our shores. I therefore join with the many others in asking this committee to give serious consideration to the advisability of modifying our immigration laws to the extent that relief may be afforded to the farmers of the United States in producing the necessary crops to feed not only ourselves, but that there may be a sufficient abundance to enable us to export in large quantities to the starving countries of Europe. I should be very glad to support any legislation which may come from this committee looking to that end and I respectfully urge your prompt action on this very important question.

The CHAIRMAN. There is also present this morning Mr. Louis Marshall of New York, who I believe comes as the representative of the Interracial Council. At any rate, he is well known to members of the committee on account of his interest in this subject. We will be glad to hear you, Mr. Marshall.

**STATEMENT OF MR. LOUIS MARSHALL, REPRESENTING
THE AMERICAN JEWISH COMMITTEE, AS PRESIDENT;
THE NATIONAL COUNCIL ON IMMIGRATION; AND THE
INTERRACIAL COUNCIL.**

Mr. MARSHALL. Mr. Chairman and gentlemen of the committee: I represent, as I have for many years, the American Jewish Committee, of which I have the honor to be the president. I also represent the National Council on Immigration, which was recently held in the city of New York, and incidentally also the Interracial Council, of which I happen to be a member.

My purpose in coming here is the same that has brought me here biennially, as the chairman said a few moments ago, and that is to

present to the committee, and through the committee, to the House of Representatives, the views of those who believe in a liberal immigration policy. By that I do not mean that we have any desire to open the doors to any undesirable immigrants. There is nobody who is more strongly of the opinion that a reasonable selective policy should be maintained. To my mind, our present statute relating to immigration, in so far as it classifies immigrants who are to be excluded, is based on a sound theory. It is on a selective basis. It classifies all persons who are mentally, morally, or physically unfit as persons to be excluded. There is no question but that the well being of our country requires that only such persons shall be admitted who conform to the established standard. We want no criminals. We want none who are unable to earn a livelihood, or who would be drones, or who are likely to become public charges. We want no persons of an arrested mental development, or whose minds are diseased. We have no room for them in this country.

We are also most strongly opposed to the admission into the United States of those who are anarchists, polygamists, who harbor theories which are opposed to the Government, or who believe in the use of violence for the purpose of overthrowing government.

We are here in behalf of those who come strong of brawn, with minds filled with the desire to become useful to this country, and who are prepared to live and to die for America. We feel that the growth, the wonderful, the marvelous growth of this country during the past century—for immigration really began to an appreciable extent in 1820, just 100 years ago—is largely due to immigration. We are convinced that without the influx of the men and women who came to this country with the idea of making this their home and of adding to our population an industrious and thrifty body, we would not have so rapidly developed into what we are now. The great Middle West would not be what it is, the Rocky Mountains would not by this time have developed. The far West would not have become the garden spot of our country, our transcontinental railroads, our great public works, would not yet have been constructed. I do not mean to say that eventually all that has been wrought might not have been done, but there can be no doubt that our growth would not have been so rapid as it has been.

When we consider the conditions existing at the close of the Civil War, and contrast them with present conditions, and then study the statistics and consider the number of men and women who have migrated to the United States since that time, the story is at once told. We can not fail to understand why it is and how it is that we have become what we are.

The time has now come when we should adopt in this country a sound immigration policy. It should not be a haphazard policy. We should not act according to the rule of thumb. We should have a thorough understanding of conditions, of our needs and of the psychology of the immigrant. We should be able to frame laws which will protect the country against the influx of undesirables, and which at the same time will encourage the coming of those who are prepared to work and to add their part toward the further development of the country, for we have not reached the zenith of our growth. At the same time let us seek to find a way to incorporate these immigrants into the great American people, of whom they

desire to become a part. In the meantime let us protect them against the exploitation to which they are now subjected from the very first day of their arrival here.

Now, first, with regard to a policy as to the admission of immigrants. So far as that is concerned, I do not hesitate to say that our present laws, so far as they relate to selection, are as they should be. They are founded on reason. No man who has a sense of justice and propriety can find any fault with them, with the exception of a single one—the clause enacted a few years ago which imposed as a condition of admission of the immigrant what is known as the literacy test. To my mind, that requirement is not based on reason. The rule of reason does not reside in such a test. The man or the woman who comes here for the purpose of pursuing an honorable occupation, of working on the farm, in the shop, on the railroads, or in the household, is useful because of the work that he or she can accomplish. That usefulness is not in any way affected by the ability to read in some language that may be selected.

The right of citizenship, the right of naturalization, must depend upon an intellectual test. The right to come here to work, to live here, should not be dependent upon such an arbitrary test. Is a man's character to be determined by knowing whether he can read or write? Certainly not. I have known thousands of immigrants in the course of my life, of every possible nationality. In fact, in my younger days, most of the people I knew and with whom I came in contact were immigrants. Many of them were unable to read any language, but they became very useful members of the State, and their children have become leaders in the communities in which they live, prominent in the professions, prominent in business, prominent in public life. Their parents were not illiterate because of any fault of their own. It was solely because they lived in countries where nothing had been done for education; where opportunities did not exist to become learned or to become literate, where the State failed to perform its duty toward its subjects. When they arrived in this country and came to appreciate the opportunities that their children might have in our public schools, they were most eager that their children should avail themselves of that opportunity which had been denied them and that they should become able to read and write proficiently, not only in the English language, but in other languages, and to become truly educated.

The man who comes to this country, a graduate from a European university, who has not been able to gain a foothold in his own country, or who has lost that foothold because his misdirected wits have outstripped his industry; the man who can forge or cheat in several different languages is not prevented from entering this country by the literacy test. If you will examine the list of those who have recently been deported because of anarchistic tendencies, because they are opposed to organized government, you will find that not one of them was an illiterate, but on the contrary that practically every one of them was highly educated and was able to read and write in several languages.

Mr. RAKER. Judge, have you gone into the record of those 240 to see what their status was, as to being able to read and write the English language?

Mr. MARSHALL. I have not made inquiry as to their proficiency in English but my information is that they were all able to read and write some language. The literacy test does not specify the English language.

Mr. RAKER. Has not the complaint been made that a great many of those were poor ignorant fools that did not know what they were doing, and therefore were not amenable for their own words and their own acts?

Mr. MARSHALL. I do not know what claim may have been made, but, as a matter of fact, so far as my information goes, they were not illiterates.

Mr. RAKER. If the claim has been made and has been sent broadcast over the country that these were poor, ignorant foreigners, a great many of them, who could not understand the charges against them, and did not know what was being done to them, or what they were saying, you now state to the committee that, from your investigation, they were all literate men?

Mr. MARSHALL. They were all able to pass the literacy test. That is my information from those upon whose judgment and knowledge I have a right to rely. In fact many of them were engaged in literary pursuits.

The CHAIRMAN. You refer to the very small number that has been actually deported. What would you say with regard to the larger number of men who have been arrested and who claimed that they did not know just what they were getting into; that they were not able to read and understand the principles of the Communist Party?

Mr. MARSHALL. Mr. Chairman, I do not know anything concerning those who have been merely arrested. I was merely referring to those who have been deported. I can give no information as to those who were merely arrested. It is quite conceivable that many others were arrested of whom I know nothing and of whom I have heard nothing.

The CHAIRMAN. Just carrying out your statement made earlier that an illiterate could do no harm in coming to this country, if a comparatively illiterate man found himself arrested and facing deportation for being connected with an organization of which he claimed not to have a full understanding, would you say that he should be deported or should not be?

Mr. MARSHALL. I should say that a man, whether literate or illiterate, who comes to this country and advocates doctrines which are contrary to the well-being of this country, and injurious to the country, as, for instance, one who advocates the overthrow of the Government by force, should be deported, irrespective of his ability to read or write.

Mr. RAKER. Then we meet up with the condition, Judge, that has been presented to the committee in a very sympathetic way and sympathetic voice, that so many of these people are poor, ignorant foreigners—I do not like to say that about them myself; but they have used that expression right along—and therefore they are not amenable for what they do, and we ought not to arrest them, we ought not to deport them, we ought to overlook their attitude and their conduct. Now, if they are permitted to come in, when they can not read or understand our language, and are permitted to remain

here and permitted to advocate the doctrine of the overthrow of the Government, and the belief in anarchy, we are in kind of a bad way, and it is pretty hard to tell just what to do, is it not?

Mr. MARSHALL. Absolutely. But such a defense is an unsound defense. The mere fact that a man is ignorant of the law is no defense, as we lawyers know, such ignorance does not excuse one guilty of a crime for doing what is contrary to the law. The laws of the land are supreme, and everybody is presumed to know them. I do not care how ignorant a man is, if he undertakes to plot against the Government, or to conspire with others in plotting for the overthrow of the Government, he must be proceeded against in accordance with the law.

Mr. RAKER. My sympathy has been especially for men of this character. It has been represented to the committee, for instance, that the man who signed a petition to become a member of the Communist Party, and to be its secretary, when he was arrested, said he did not know anything about it, he did not appreciate its principles, and the way it is given in the newspaper that I have here, he is a poor man who does not know what he is doing at all. That sort of thing kind of leaves one in a position where he hardly knows what to do.

Mr. MARSHALL. But it is merely the same situation that we encounter whenever there has been committed any offense. Men are apt to say, after they have been detected in the commission of a crime, that they did not know what the law was, or that they were ignorant. We can not, however, accept such an excuse as a defense. It would stultify the law, and make efficient government impossible. In this case you instance, a man who became a member of an illegal organization, who became its secretary, as I understand you to say—

Mr. RAKER. And actually signed the petition.

Mr. MARSHALL. And was the secretary of the organization?

Mr. RAKER. Well, he claimed to have been that.

Mr. MARSHALL. He certainly could not have been an illiterate man if he was the secretary of that organization or signed a seditious petition. In every case such as that instanced by you the problem is merely one of the proper administration of the law. We have upon the statute books adequate laws. We have an immigration law with carefully framed provisions for the exclusion of persons who plot against the Government or who are opposed to organized government. We have a provision requiring their deportation. Indeed, I would not limit the right of deportation to two or three years, or five years. I should permit anybody to be deported who is not a citizen, who has violated the law. If he is a citizen and seeks to overthrow the Government by force, he is a traitor and should be treated as such. That is the simple and natural way of dealing with the problem that you have suggested. It, however, would be blindness itself if, instead of holding those individuals who come to this country with anarchistic tendencies to a strict account, we should adopt a policy which would exclude from this country the men and women we sorely need, the men and the women who would constitute an inexhaustible force for good, who would help the continuing development of our resources, who would speed the wheels of progress, and prove to be that priceless asset to the country that our immigrants have been for a century.

What are the facts to-day regarding the need for immigration? There might be some excuse for advocating a restrictive policy, if we did not need labor, if we did not require the influx of new physical energy. But consider what has happened during the last six years. Since the outbreak of the great European conflict there has been practically no immigration. Not only has there been no immigration to speak of, but there has really been a considerable emigration. Taking the full period of six years, the addition to our population as the result of immigration has been absolutely nil. Those who have returned to their native lands either equal or outnumber those who have come into the country, and for several years there has been a cessation of immigration. Our industries in the meantime have not stood still; they have grown. We have a population of 110,000,000 people or more, probably. The number will nearly approach 120,000,000, according to the census now in progress. The demands for production are increasing day by day. We are obliged to feed our people; we must clothe them and supply them with the necessities of life. We are also obliged to provide for the markets of the rest of the world. Every European nation depends upon us for food, for clothing, for machinery, for the implements and the raw materials that we produce. For the first time in our history the doors of South America are standing open to us, and from that region comes an insistent demand for the entry of American commerce. How are we to supply these needs?

I am not here to say a word against the dignity of American labor. I have the highest respect for it. I regard myself as a laborer. Probably I work as many hours daily as any laboring man in the land. I believe that every man is entitled to enjoy the fruits of his industry and to receive the rewards of it. Yet it must be confessed that labor does not at present keep up production. It is essential that we maintain production. We can not permit ourselves to be left in the indefensible position of producing less than is required for the needs of those who depend upon us to supply their fundamental requirements.

Mr. RAKER. Would a question there interrupt you?

Mr. MARSHALL. Not at all.

Mr. RAKER. If it is a fact, will you just explain to the committee why there is so much complaint among the laboring people, both men and women, that they are not getting proper treatment in this country, and sufficient to live upon, and to house themselves with, and to care for themselves, and if there is such a demand for labor why should they not be provided with a sufficient wage to take care of themselves, and this complaint in the cities of their squalor and their want of provision be done away with?

Mr. MARSHALL. It is my idea that there is no justification for such a complaint. We know that wages have been doubled in almost every occupation. Of course, we know the cost of living has also increased. The adjustment of the cost of living with the price of labor is not to be determined by any formula. It depends upon a full understanding of conditions. The laborer is entitled, in my judgment, to a comfortable livelihood. He should be well housed, he should be well clothed, he should have wholesome food, he should be enabled to live according to American standards, and he should earn sufficient to save out of his wage such a sum as will make it

possible, if he is thrifty and provident, to lay up something for a rainy day. There is not the slightest question about that.

Mr. RAKER. We agree upon that, I know; but then, if that is the case, from your experience can you tell the committee why it is that there is this complaint that the laborer is not being properly provided for, not being properly treated, and not properly paid?

Mr. MARSHALL. But there will always be complaints. There are those people who would complain if they earned five times the amount that they now receive. Complaints are not the test. The question is, what are the facts? I have had the honor to act on one occasion as mediator and on another as arbitrator to adjust two of the greatest strikes that have ever taken place in the city of New York. In 1910 I was the mediator in the cloak makers' strike, when 70,000 working men and women were out on strike and had been out of work for 10 weeks. In February, 1919, in conjunction with Prof. Ripley and Prof. Frankfurter, I acted as a member of a board of arbitration to settle the controversy between the clothing manufacturers and the Amalgamated Clothing Workers' Union. We came to an understanding that has proven reciprocally satisfactory. In the course of our investigations I found that there was an extraordinary lack of knowledge of actual conditions on both sides. Neither knew what the standard of compensation was. It does not seem credible, yet it is the fact. On the latter occasion, when the chairman of the clothing manufacturers' association had the floor, I asked for a statement showing the scale of compensation paid the workmen. He answered, "I can not give it to you." I remarked: "Do you understand my question? I wish to know whether your organization, which is employing over 50,000 men, which has an output of approximately \$300,000,000 a year, has a wage scale, and whether you can tell me what that wage scale is?" He replied, "I understood your question, but I can not answer it." I then turned to the president of the Amalgamated Clothing Workers' Union, and I inquired: "What do you say on this subject?" He astounded me by the statement: "What the president of the Clothing Manufacturers' organization has said is absolutely true. I can not give it to you. We do not know what the standard is."

As a consequence we had to engage experts to go through the books of the manufacturers for the purpose of ascertaining what they were paying to their different grades of workmen, we then caused an investigation to be made into the cost of living, and as the result of the information thus obtained, when we came to a settlement of the controversy, submitted for decision we had no difficulty in arriving at figures which proved mutually satisfactory. We convinced the employers that they had not paid enough, and we also convinced the working men what, under the then existing conditions would constitute a proper standard of compensation, with a proviso that the price allowed for labor was based upon the then cost of living, and with the understanding that if there should occur a change in conditions there would have to be a modification of rates.

I make this rather lengthy statement to indicate that we are dealing unscientifically with labor problems. All matters in difference can be easily adjusted when one understands the facts. But all this only remotely affects the problem that we are now discussing.

However, we do know one thing, whether labor is getting all that it deserves or not, and that is that the present rate of production does not equal the demand. This is not an isolated instance, but it is true in every line of business. There is to day an utter inability on the part of manufacturers and farmers to supply the demand for production in every branch of agriculture and in every line of industry.

Mr. RAKER. Did you find that labor was not sufficiently paid in this investigation?

Mr. MARSHALL. In this investigation we found that there was reason for the demand made by the laborers that there should be an increase in compensation. The principal part, however, of the controversy, related to other phases of the labor problem. It dealt with the adjustment of disputes arising out of the conduct of the shop. In determining the latter we created something entirely new, which I trust will become the basis of future adjustments of similar questions in various industries.

Mr. RAKER. Then, by virtue of the employers not paying the particular amount of wages demanded, and the strike being called, and the strike having lasted so long, as it did, with so many involved, of course there was a deficiency of labor during that time, and there was no production?

Mr. MARSHALL. Undoubtedly, there was no production at that time, but I might say incidentally that the real cause of the strike was not so much the question of wages to be paid, because that came up only incidentally, as the question of "hiring and firing".

The CHAIRMAN. In other words, the closed shop?

Mr. MARSHALL. Not the closed shop. The employers recognized the union. There was not any question of union labor at all, but the principal question was whether men should be discharged in one way rather than in another.

Mr. RAKER. Just one other question, if I am not interrupting you again?

Mr. MARSHALL. These questions are very welcome.

Mr. RAKER. The strike, for the reasons stated, has retarded and held back the normal production during the last, say, four years?

Mr. MARSHALL. You mean the various strikes in various industries?

Mr. RAKER. Yes; the various strikes.

Mr. MARSHALL. To a considerable extent.

Mr. RAKER. Had they not been had, and had there been no occasion for them, there would have been an almost normal production, would there not?

Mr. MARSHALL. I do not think so. I do not think that would have met the question of the necessity of greater production in and of itself. That has been largely due to the enormous demand for merchandise and food. I do not want you in any way to interpret what I have said as indicating that I think in every case the employee was justified in striking. There is generally fault or misunderstanding on both sides. Sometimes there are strikes without any justification. At other times there is extreme justification, and sometimes there is very strong palliation for the attitude of the employers.

I do not propose to go into that very complicated subject, because it involves one of the great economic problems of the day which will have to be worked out. All that I say now is that it will have to be dealt with in a scientific way, with full knowledge of the facts, and

not by arbitrary methods, or by merely superficial methods. The disease can not be cured by an application of rose water.

Mr. RAKER. The reason I asked you, Judge, was to then ask you this question. If we had a million more laborers now brought into this country, it would be against the laboring men of this country materially, would it not, in reducing his wage?

Mr. MARSHALL. I do not think it would at all. It would only bring in so many million people to help production.

There is a demand for production which is greater than can be possibly supplied by the present laborers or by the present mechanics of this country, even if we had an influx of a million immigrants a year. In so far as we receive immigrants, it would relieve this condition of backwardness in production.

Mr. RAKER. I was just wondering what you are going to do with these men or women who have been working and then quitting because they could not agree as to prices, if there were a lot of other people brought in here who could immediately take their places at the same or even a lower wage.

Mr. MARSHALL. The answer to that, Judge Raker, is that we have had these strikes and these labor questions for 30 years or more—ever since I can recollect. We have also had immigration all the time. We have found that as soon as the immigrant comes to this country and is permitted to do so he joins the unions. Take, for instance, the two industries that I spoke of, the cloak and suit industry in New York, and the clothing workers' industry. They have two of the strongest unions in this country, the most effective unions, the International Ladies' Garment Workers' Union and the Amalgamated Clothing Workers' Union. They are most intelligently and most reasonably managed.

The CHAIRMAN. How do you mean the most effective, for their own good?

Mr. MARSHALL. For protecting their people; and at the same time I would almost use the expression that in dealing with the employer for the purpose of adjusting difficulties they have generally shown themselves to be reasonable; they are not arbitrary.

The CHAIRMAN. As great unions do they exercise an influence in civic affairs?

Mr. MARSHALL. They do not undertake to deal with civic affairs, except to the extent that many of them have deemed it important to educate their people or to advise them to go to night schools, where there are night schools. They also publish journals in several different languages, whereby their people acquire some sort of an idea of conditions in this country. They are educational to a considerable extent.

Mr. SIEGEL. As a matter of fact, when immigration was practically nil during the war period, we had more strikes than ever before in the history of the country, did we not?

Mr. MARSHALL. Immigration does not make strikes, but I understand the question was directed to the idea that if there were strikes, the immigrants could be used as strike breakers, and that they would thus reduce the standard of living. I do not consider that would be the consequence.

Mr. RAKER. What I mean is this: Would not a surplus of laborers tend strongly to reduce the price of labor, or the price paid for labor?

Mr. MARSHALL. If there were a surplus of labor, the same question would apply to labor as applies to any other—I will not call it commodity—but any other thing. The law of supply and demand would necessarily come into operation. We are not closing our eyes to that proposition, but my answer is that there would not be a surplus. According to the figures presented to me, and which seem to me to be accurate and sound, there is to-day a shortage of at least 4,000,000 laborers in this country, a shortage in the sense that if they were here they could be profitably employed without in any way affecting the wage scale. They are needed for the purpose of maintaining production. It would take quite a long time certainly to get 4,000,000 into this country, especially when we consider the great call upon our shipping to-day for the transportation of freight; consequently the number of people who can be brought to this country as immigrants is necessarily limited. So that there is no possible danger of unsettling the labor market or of affecting the wage scale because of immigration.

Now, as to the question of wages, a great deal depends upon whether or not our wage earners are prudent in the use of the money which they earn. We all know that in the war industries, when the war was at its height, there were times when men earned as much as \$10 a day, and in certain industries much larger sums were paid during that time. One would have supposed that at that time, when the cost of living was not as high as it is to-day, those who got these wages would economize, would do what people used to do, put money in the savings banks and prepare for the buying of a home. But instead of that many of them wasted their money. They invested in all kinds of luxuries, automobiles, silk stockings, silk underwear, and the like. There is such a thing as living on an extravagant basis and again there is such a thing as thrift. I am only making these remarks parenthetically, for the purpose of indicating that the labor question can not be settled merely with a dogmatic statement, but it must be approached from the standpoint of a thorough understanding of every phase of the subject.

Mr. BOX. If the gentleman is correct in his conclusion that the coming of these people, a great number of immigrant laborers, would not injuriously affect the condition of the laboring people here, how does he account for the Nation-wide hostility on the part of the laboring people to their coming?

Mr. MARSHALL. Well, when we get that question, we approach a psychological condition which is sometimes very difficult to explain. There has always been a fear upon the part of those who have come to this country, who themselves were immigrants, who knocked at our door for admission and who had the door of opportunity opened to them and were given these chances, that the later comers may compete with them, hence a disposition on their part to keep others out.

Mr. BOX. Now, just there, does the gentleman think that he and other business men—the gentleman is a professional man, I believe—are better qualified to pass upon what effect that will have upon the wages and living conditions of the laboring people, than the men who are struggling with those conditions themselves?

Mr. MARSHALL. Yes.

Mr. BOX. You think so?

Mr. MARSHALL. I think I am.

Mr. BOX. And the gentleman thinks that the laboring people, if they have reached such a conclusion as this, have made a mistake about it?

Mr. MARSHALL. I do, basing my statement on experience.

Mr. BOX. You gentlemen, I believe, concede that the bulk of these people are themselves immigrants?

Mr. MARSHALL. I think a very large percentage of the people who are opposed to immigration are either the sons of immigrants or are themselves immigrants. Two years ago one of those gentlemen was here opposing any liberal immigration law.

Mr. BOX. I want to ask if you gentlemen who have carefully studied this question have read the report of what is sometimes called the Dillingham Commission?

Mr. MARSHALL. Yes; I am very familiar with it.

Mr. BOX. Does the gentleman agree with the statement contained in that report that each generation of laboring people who come here from Europe, we will say, especially from northern and eastern Europe, are in turn supplanted and driven out of their places and have to move on somewhere else in order to make place for these incoming immigrants?

Mr. MARSHALL. I do not believe it.

Mr. BOX. That is contained in that report, is it not?

Mr. MARSHALL. There were all kinds of wild statements in that report which were unsound and absolutely unjustifiable.

Mr. BOX. That report was based upon an investigation of the subject, was it not?

Mr. MARSHALL. In that regard?

Mr. BOX. The commission was made up of quite a number of men who have studied the question, was it not?

Mr. MARSHALL. Excellent men.

Mr. BOX. Most of them scholarly men?

Mr. MARSHALL. Excellent men, but they had a thesis to sustain, and they tried to sustain that thesis.

Mr. BOX. They were men of both political parties and from every section of the country?

Mr. MARSHALL. They were.

Mr. BOX. And they visited every industrial section in America?

Mr. MARSHALL. Yes.

Mr. BOX. And devoted several years to the study of that question?

Mr. MARSHALL. A long time, and had about 20 volumes of reports which they themselves never had a chance to read.

Mr. BOX. Twenty volumes of testimony?

Mr. MARSHALL. Which they never themselves read or had an opportunity to read.

Mr. BOX. It was testimony, I presume, which was adduced before them?

Mr. MARSHALL. No; all kinds of reports were shoveled in.

Mr. BOX. I think the gentleman said that the coming of these men would not affect the price of wages?

Mr. MARSHALL. I so state.

Mr. BOX. On the theory, I think, that the increasing of the supply would not affect the price until there was an oversupply?

Mr. MARSHALL. Correct.

Mr. Box. Now, suppose a commodity—I will not use the term as applied to labor, but just for the purpose of illustration—

Mr. MARSHALL. I avoided the term “commodity.”

Mr. Box. Suppose the supply of a commodity is equal to 99 per cent of the demand in one case, and 25 per cent of the demand in another case, will the difference between 99 per cent and 25 per cent in any way affect the price of that commodity?

Mr. MARSHALL. That is a question which it is difficult to answer, because I do not think we would find any such variance in percentages in the different industries of the country. Our experience has been that when slack times arrive, or hard times arrive, it is all along the line, and it affects every industry in an equal way.

Mr. Box. I was speaking of commodities, and not of labor, just as an illustration. There are some commodities, the supply of which is hardly enough?

Mr. MARSHALL. That is the case to-day with most commodities, with practically everything that is produced. I do not know of anything of which there is an adequate supply.

Mr. Box. Am I to understand and is the committee to understand that the gentleman thinks that if there were only 25 per cent of the supply of one necessary commodity, and 99 per cent of the supply of another necessary commodity, that the great shortage would not in any way affect the price?

Mr. MARSHALL. Certainly it would affect the price. In other words, if the commodity is produced only to the extent of 25 per cent of the requirements, naturally the price of that commodity would be greatly increased.

Mr. Box. Above a commodity where there was 99 per cent, I suppose.

Mr. MARSHALL. In proportion, yes.

Mr. Box. Now, if there is only 60 per cent of the supply of labor, and if that supply were made up to an extent where it was 99 per cent, would that affect the price?

Mr. MARSHALL. It would not, so long as there was a demand for the labor, I do not care whether it is in one thing or another. This labor that comes from abroad is labor which can be adjusted to any needs.

Mr. Box. One more question, and then I will not interrupt you further.

Mr. MARSHALL. I am perfectly willing to be interrupted.

Mr. Box. We sometimes hear, and I think we must guard against the suggestion, of an easing up, or even a too sudden stopping of our great industrial and commercial activities following the war. In other words, there has been talk of panics and industrial calamities like that. Suppose that sort of thing should happen, as the prophets of evil say will happen—I do not believe it will, but suppose it does, and we have brought these 4,000,000 additional laborers over, and the wheels of industry should be impeded and stopped, would that in any way affect the condition of the laboring people?

Mr. MARSHALL. Should there occur a panic such as you refer to, which would stop the industries, it would necessarily affect everybody. It would affect those who are here and those who would come here. There is no doubt about it. I am very glad to hear you say that you are an optimist. So am I, and so are most of the people of our coun-

try. We have no use for the pessimist. We are all optimistic, and we take it that the God who has been with us in the past will continue to be with us in the future, and that this country will thrive if normal rules of business are permitted to prevail.

Now, let me go back to some of the questions you asked, based upon the Dillingham report. That report did not, as I understand it, say that the later immigration drove out the earlier immigration. On the contrary, the report showed that the earlier immigrant, as he became more acquainted with our country, as he became better educated, as his standard of living improved, was not satisfied to do the work of a day laborer. He therefore entered other lines of industry or of business; in other words, he moved up. I do not know that we have any social condition in this country that may be described as stratification, but at all events the earlier immigrant moved up at least in the economic scale. He therefore left the place which he had filled for somebody else to fill, and that place was filled by the newcomer. The English, the Irish, the Germans, and the Scandinavians adopted a higher scale of living, and those who came from Hungary and from eastern Europe and from Italy moved in and did the work which their predecessors had done, but were no longer willing to do, but which nevertheless had to be done.

The time will come, indeed it has come, when many of the men working upon our railroads laying the track, men who work upon our public works, and those whose ranks have been recruited from southern and eastern Europe, have gone into other and higher occupations and have become prosperous citizens. The children of those men can not be distinguished from the children of those whose parents came here two generations ago, or three generations ago, or even from those whose ancestors came in colonial days.

Mr. Box. Did not the Dillingham report say that the second generation gets lower wages than the children of native born?

Mr. MARSHALL. I do not think that is the fact. I do not remember what the report states on that point; but if it is true it is only because they are not as industrious as their fathers were. It would be a sad commentary on the degeneracy of those who would be unable to avail themselves of the opportunities of American life.

Mr. Box. I did not say their fathers, but those who are native born.

Mr. MARSHALL. Well, those who have been here longer. If the fact exists, it would be due to the fact not that they have been reduced in position, or because there has been any general lowering of the scale of wages, but because they have not maintained their productive capacity or because they have not evinced that same desire to work that the immigrant has.

Mr. Box. You think, then, that if there is hostility, as you seem to suggest, on their part to the coming of new immigrants here, we ought not to attribute it to their being supplanted, as the Dillingham report says—and I beg to differ with the gentleman as to the exact meaning of the Dillingham report—but some imaginary trouble of theirs?

Mr. MARSHALL. I did not use the term "imaginary."

Mr. Box. The term "imaginary" is not fair to the gentleman, but that is my best expression.

Mr. MARSHALL. The problem may be illustrated by another way of looking at it. Laborers, from time immemorial, have been fearful of anything that is new. When agricultural machinery was introduced on the farms in England, where there was a homogeneous population, there was a great commotion, and that machinery was destroyed. The same thing occurred in many industries where machinery was supposed to supplant labor, and in that way to injure labor; even in the days when they did not know what the word "sabotage" meant, the thing was nevertheless practiced, because labor felt that the machinery, against which it was aroused, was the enemy of labor.

Those who have had the pleasure of reading Charles Reade's novel, "Put Yourself in His Place," will remember the graphic manner in which this subject was portrayed, and that book was written 50 years ago. That was the attitude not only of the agricultural workman, but also of the man in the factory. We constantly find that we conjure up fears which have no support in reality. Thus, for instance, those who in 1855 were members of the Know-Nothing Party, whose cry was "America for Americans," and who believed that if immigration was to be permitted this country would go to ruin, have found that in spite of their theories grounded on unfounded fear, 65 years after the heyday of Know-Nothingism, we find ourselves in the prosperous and happy position that we now occupy, and that during the entire interval we have steadily progressed. Some of us have recently gotten ourselves into a state of mind with regard to foreigners and of so-called aliens that is most unfortunate. Instead of believing that a man is to be judged by his merits, there are those who begin to look into their geographies and to classify him according to the land of his birth, forgetting that character is not dependent upon arbitrary boundary lines. All of the horrible hatreds which are the primary cause of the cataclysm that has overwhelmed Europe and that still seems to be running like wildfire throughout the entire world must be eradicated, if there is ever to be a restoration of peace and order.

Mr. BOX. Does the gentleman think that there are no differences in races, and that there are no differences in men living under different conditions in different climates?

Mr. MARSHALL. There is very little difference between most men.

Mr. BOX. Does the gentleman think that the immigration we received during the last 25 years is as desirable as that which came from England and France and Germany and those other countries prior to that time?

Mr. MARSHALL. The difference, Mr. Box, in my judgment, is only skin deep. "The Colonel's lady and Judy O'Grady are the same thing under the skin," as Kipling says.

Mr. BOX. There is no difference between a Chinaman and a European?

Mr. MARSHALL. I am not talking about Chinese immigration. I have not given any study to that branch of the question. I am talking about the races that populate the United States. We use the word "race" quite indiscriminately. It is nationality. There is, to my mind, no difference between a man who has come from England, or Ireland, or Scandinavia, or Germany and the man who comes

from Italy and from Russia and from Hungary, or from any other of the eastern European countries.

Mr. BOX. You include Turkey, do you?

Mr. MARSHALL. No; I will not say anything about Turkey. There may or may not be some difference there. Of course, we have very few Turks here.

The CHAIRMAN. Now, you must talk about that. That is the very point. We have a few Turks here, and we have a few Brazilians, and we have a few people here from India, but if we are going to look at it from the broad proposition, we have got to look at all of these nationalities.

Mr. MARSHALL. Well, we have been dealing all these years on the basis that Asiatic immigration and European immigration are to be looked at from a different angle. I am not prepared to discuss the question of Asiatic immigration, because we know so little about it. In the last immigration law that was passed, and in all other immigration laws that have been enacted, there has been that differentiation. I am talking about European immigration, immigration we know all about, men that we know all about and whose characters we know about.

The CHAIRMAN. Now, let me ask you two or three questions. We will not go into the oriental phase of it, because it will take a lot of time to no purpose. I am much interested in what you say about the hatred of the alien, which is unfortunate, of course. It seems to be, as far as I can observe, increasing a little in the United States.

Mr. MARSHALL. So far as that is concerned, Mr. Chairman, that hatred not only extends to the alien, but to those who came here as aliens but have become citizens of the United States. That is the unfortunate thing about it.

The CHAIRMAN. I am very sorry that is so, but if that is the case, a heavy influx of immigration within the next few years will increase that, will it not?

Mr. MARSHALL. I think not, on the theory that the cure for ignorance is education. The cure for misunderstanding is education for the whole people. When my father came to this country 71 years ago, when those whom he met learned that he was an alien they were at first astounded to see in him a human being. Their idea was that an alien was different from an ordinary human being. They thought that he must have horns on him. It took a long time to convince them that he was like any other mortal.

The CHAIRMAN. Let me ask you another question. You spoke a minute ago about the beginning of the use of different machinery in England, where the people were homogenous. Now, you want here in the United States a homogenous people, do you not?

Mr. MARSHALL. Certainly, I want our population in the United States to become a homogenous people.

The CHAIRMAN. And that would be your reason for preferring to leave out those of absolutely different races—for instance, the people of India?

Mr. MARSHALL. People who could not be assimilated, for instance.

The CHAIRMAN. People who can not become assimilated?

Mr. MARSHALL. I can see in that idea the basis for a rule of differentiation that might prove to be a sound rule; at any rate, at present, may be a practical rule.

The CHAIRMAN. You stated that at present you favored a liberal policy?

Mr. MARSHALL. I do.

The CHAIRMAN. And you stated that you liked the present immigration law, except the illiteracy test?

Mr. MARSHALL. I said I was not asking for any modification, except in that regard.

The CHAIRMAN. So that if the illiteracy test was removed, our present laws would be liberal in your opinion?

Mr. MARSHALL. Yes, sir.

The CHAIRMAN. Just as they have been for years?

Mr. MARSHALL. Yes, sir.

The CHAIRMAN. Now, have you any information as to the immediate immigration?

Mr. MARSHALL. As to numbers?

The CHAIRMAN. No; as to whether or not any considerable number are seeking to come into the United States now?

Mr. MARSHALL. My theory has been that there will be a great deal less immigration than most of us think will take place. I think that the tendency of all the European countries will be to discourage emigration, and rather to prevent emigration.

The CHAIRMAN. That seems to be the fact.

Mr. MARSHALL. Their desire undoubtedly is to keep in their countries, to the extent that they can, the people who can work. They need work; they will depend upon it more than ever. They will be unable to pay the great indemnities which they have agreed to pay, or to overcome the economic consequences of the war, unless their own industries are maintained. Therefore, I think that to a great extent we are fighting windmills in so far as the idea is extant that there is to be a considerable immigration into this country.

The CHAIRMAN. And yet it is well known that immigration is being kept to some extent out of the country now by the use of passports; that is, foreign countries are declining to give passports to able-bodied men; but nevertheless there have been a great many thousands of applications in various countries for those passports to the United States; that is true as to Italy in particular.

Mr. MARSHALL. There have undoubtedly been thousands of applications, and undoubtedly those countries are not going to favor a large emigration. The only question is whether we shall close our doors to the immigration which might come here, of people who are in every way complying with the standards of our immigration laws.

The CHAIRMAN. Now, you thought it would take some years to get immigration to come in to fill this so-called needed 5,000,000?

Mr. MARSHALL. I do.

The CHAIRMAN. The high point of immigration was reached in 1913, when the total number of immigrants was 1,400,000?

Mr. MARSHALL. Yes; that is correct.

The CHAIRMAN. In your opinion can the United States assimilate that number per year?

Mr. MARSHALL. I think it could under existing conditions; I do not think there would be the slightest difficulty; but I do not believe that we shall have immigration as numerous as that.

The CHAIRMAN. Well, what would you say about this: If in Texas, Arizona, and New Mexico in January of this year it was argued that there was no agricultural labor whatever for cotton picking and that the wages for that work were \$3 a hundred pounds, and would be that this year, and then if certain immigration restrictions were removed and the Mexican immigrants would come in, in a certain number, they would be able to get their cotton picked, would you regard that as a good sign or a bad sign?

Mr. MARSHALL. It would be an indication that we should have labor sufficient to enable us to carry on our work. There is nobody, so far as I have learned, who is in greater need of labor than the farmer. Our agricultural production is kept down below what it should be by the very fact that there is a dearth of agricultural labor, and that dearth of agricultural labor is largely due to the operation of the illiteracy test.

The very fact, Mr. Chairman, that immediately after the illiteracy test was established a temporary suspension in its operation was directed to enable laborers to come from Mexico into Texas and into the States that we have referred to for the purpose of helping in the gathering of the crops shows that it was recognized that the country was suffering because of the need of that labor, and so, although there was a law which was intended to prohibit the illiterate labor from entering this country, the bars were removed by an Executive order which was found necessary to prevent agriculture from being unduly hampered.

The CHAIRMAN. But we were at war at that time, and over 4,000,000 men had been taken out of agricultural labor and all classes of labor.

Mr. MARSHALL. It was undoubtedly the fact that a large number of our men had gone out of productive industry, but at the same time the demand of our farmers for labor continually exists, and now more than ever, largely due to the fact that they have to grow crops, not only for the United States but also for France and England and Italy. That situation exists now, Mr. Chairman, and it will continue for years to come.

Mr. SIEGEL. I might say at this point that the Secretary issued a similar order last week, covering every Southern State.

The CHAIRMAN. And the Middle Western States.

Mr. SIEGEL. Yes; and the Middle Western States.

Mr. MARSHALL. I might say that that shows that there is a great dearth of labor, which can only be met by an executive dispensation to illiterates who otherwise would be prohibited from coming into this country. Then why should we not once for all confess that it was a mistake to enact the literary test?

The CHAIRMAN. One or two questions: You spoke of favoring our present selective policy; that is, the right to keep out certain cripples, afflicted, and undesirable people?

Mr. MARSHALL. Those who are unqualified, Mr. Chairman.

The CHAIRMAN. Now, would you favor a system by which an immigration attaché of the United States Consular Service throughout the world may inquire into the habits and life of the prospective immigrant before his passport is viséed?

Mr. MARSHALL. So far as that is concerned, Mr. Chairman, I have this to say: I believe that our consular officials should be empowered and encouraged to make inquiries with regard to the past history

of those who desire to come to this country, and to give such information as may be gathered with regard to them to our immigration authorities. I would consider it, however, a great misfortune if the plan that has been proposed by some, that the rejection of immigrants or intended immigrants should take place on the other side by the action there of inspectors appointed by our Government is adopted. That would, in a very short time, lead to great abuse and scandal. That would convert these inspectors into little czars and autocrats, an arbitrary bureaucracy would surely come into existence and much evil and grave injustice would be the inevitable consequence.

The fullest information possible should be obtained. I do not think that harm can ever come from getting all the light that we can on any subject. But with that information the final determination as to whether or not a man shall be admitted should be made right here upon this soil, and the person who is seeking to be admitted should have the right to be heard by counsel or by his next friend, before the proper authorities, so that his rights are subserved.

The CHAIRMAN. So you would let the United States investigate the family and the history, for instance, of some man about to start for the United States, and secure all of that information, and then let that man come into the country, say, with mentally defective children?

Mr. MARSHALL. No, sir.

The CHAIRMAN (continuing). Only to be turned back at this end?

Mr. MARSHALL. He would have to take his chances—the steamship company that brings him would have to take its chances, because it will have to transport those people back again, if they are not admitted.

The CHAIRMAN. Then, where is the czar in that case? Is not the czar in that case the agent of the steamship company on the other side?

Mr. MARSHALL. No, sir; the czar is a man who might arbitrarily say: "This person is defective, and that person shall not come into the United States." I have known of many instances of people who might be called intellectual who, when they came to this country, that was to them a foreign land, did not understand American conditions or the language spoken here, and became utterly confused. Some of them were declared not to be able to pass the literacy test; some of them were supposed to be imbeciles; whereas, as a matter of fact, their apparent stupidity was due merely to their inability to understand, since there was nobody at hand to translate their thoughts to the immigration official, or the thoughts of the immigration official to them.

The CHAIRMAN. Let me ask you one more question, and I am through: What is the basis of the interracial council?

Mr. MARSHALL. The Interracial Council consists of people representing every possible shade of nationality. There are those who represent the Irish, the English, the Scandinavians, the Jews, the Italians, and the Hungarians—in fact natives of all European countries. The word "race" in the sense in which it is employed is an inaccurate word. The council really represents nationalities instead of races. The council has been organized for the purpose of presenting to the public, and to Congress, its views on the subjects of immigration, of assimilation, of protection, and of naturalization.

There are also upon the board of this council gentlemen who are interested in the various industries, and who have studied the question of immigration from the standpoint of the industries. There are also upon that council those who are solely interested in the subject, in their civic capacity, as, for instance, the Honorable Lindley M. Garrison, formerly Secretary of War; Hon. Charles E. Hughes, formerly Justice of the Supreme Court of the United States; William Loeb, who was the Secretary of President Roosevelt; Felix M. Warburg, who is a well-known philanthropist. Then there is Marcel Knecht, who has represented the French Government in the United States so ably ever since the war began, Mr. Guy E. Tripp, who is the president of the Westinghouse Electric Co., Mrs. Vincent Astor; Mr. Earle D. Babst, who is the president of the American Sugar Refining Co.; Gutzon Borglum, the distinguished sculptor; Mr. Cleveland H. Dodge, whom everybody knows. The president of the organization is Gen. duPont; the vice chairman is Miss Frances A. Kellor, who has studied the immigration question from every angle during the past 12 years. I had the honor of being the chairman of the State Immigration Commission appointed by Gov. Hughes, and Miss Kellor was the secretary of that commission, and I can therefore speak of her qualifications to deal with the subject from every standpoint, especially that of Americanism.

Among other officers are Cardinal Gibbons. I will furnish the committee with this list so you can judge for yourselves as to who the members are.

The CHAIRMAN. Very well.

(The statement referred to has not been presented.—Clerk.)

Mr. MARSHALL. There is also Julius Rosenwald, John F. Smulsky, of Chicago, who is one of the leaders of the Polish residents of America. There is Mrs. Cabot Ward and Prof. Petrunkevitch, of Yale University, and Prof. Pupin, of Columbia University. This will give you an idea of who the members of the council are.

The CHAIRMAN. I want to ask you one more question before you proceed: The foreign language newspapers, are they included in this council—the Association of Foreign Language Newspapers, as they were formerly called?

Mr. MARSHALL. I do not think they are in this organization. I do not understand that they have anything to do with the Interracial Council, but the latter is interested in the foreign language newspapers, which it regards as a valuable agency for Americanization. If the subject of these newspapers interests the committee, I shall be very glad to present to you a copy of a brief which I submitted some six weeks ago to the Senate Committee on Post Offices and Post Roads, in which I dealt elaborately with the usefulness of the foreign language newspapers.

(The brief is hereto annexed and is marked "Exhibit A.")

The CHAIRMAN. I will be glad to have your brief, of course. But the only point I wanted to secure some information upon was this: My information was that the Interracial Council was springing up from the ashes of the Foreign Language Newspaper Association.

Mr. MARSHALL. That is an error.

The CHAIRMAN. That is an error, is it?

Mr. MARSHALL. Absolutely an error. This organization was the result of conferences among people who have been interested in the

general subject of immigration, and the general subject of American industry, and who were seeking in their civic capacity to deal intelligently with the subject and to help shape a policy which would inure first to the welfare of the country and then to the welfare of mankind in general.

The CHAIRMAN. So that if any statement has been made, or any charge has been made, that the foreign language newspapers, formerly called the Foreign Language Newspaper Association, was now receiving matter for their editorial columns in the name of the Interracial Council, and getting pay for the use of those columns from steamship companies and other advertisers, that would be an error?

Mr. MARSHALL. So far as I understand the facts that would be an error. I have no doubt that the Interracial Council is seeking to instruct the general public with regard to immigration in its various phases, and I have no doubt that it supplies information to newspapers in general, including the foreign language newspapers. I have not the slightest doubt of that.

The CHAIRMAN. I have nothing further to ask.

Mr. RAKER. Before I ask you a few questions about the Interracial Council, I would like to ask you, if you have gone into the subject, whether or not, excluding now, those Mexicans who come over the Mexican border to the border States to work as laborers in the fields—whether or not it is a fact that at least 90 per cent, or thereabouts, of the immigrants that come across and land in New York and Boston and Philadelphia do not go out into the agricultural pursuits at all?

Mr. MARSHALL. There are undoubtedly large numbers, Judge Raker, of those who come to this country who do not go to the agricultural districts. The difficulty lies in the fact, if you will permit me to say it now, that being one of the matters that I have in mind, that it is unfortunate that we have not as yet devised a proper plan of distribution. Men who are qualified and have been trained all of their lives to do agricultural work have not been enabled to find their way into the agricultural districts where they might find work because of lack of information as to how to get there. Consequently they have been diverted into industries of a different character, as, for instance, to the steel mills, iron furnaces, and other industries.

Mr. RAKER. Now, speaking of the illiterates, those that came over before the war, and even during the war, have you any information that would give us an idea as to the percentage of illiterates that landed at these eastern ports that left the cities and went into the country to follow agricultural pursuits?

Mr. MARSHALL. I can not give you any figures on that point. I do not know what the facts are.

Mr. RAKER. The general statement is that it is a very small percentage, is it not?

Mr. MARSHALL. I should say that it is much smaller than it should be. But I repeat that if Congress could devise some method of distribution, that problem could be efficiently dealt with. It requires patience and an intelligent study of the situation; but the problem can be solved beyond the peradventure of a doubt.

The CHAIRMAN. You would not favor a plan whereby they could put a man on a farm and order him to stay there?

Mr. MARSHALL. Of course, that is a difficult proposition. We should keep our own boys there, but do not always succeed in doing it.

The CHAIRMAN. Well, that is the trouble; the trouble with the admission of the Mexicans, even during the war, is that they were put under bond to stay in agriculture, but they got away from it immediately.

Mr. MARSHALL. Well, as I said, that is a problem that has got to be worked out. At the National Conference on Immigration that we recently held in New York City we adopted a memorial and resolution on this whole subject, which I shall ask leave to submit to the committee. I have copies for every member. In this document we have sought to give expression to our views and to formulate our ideas concerning a desirable immigration policy. We treat the subject under four heads: First, assimilation, which perhaps logically should be second. Second, admission; third, stabilization; and fourth, naturalization.

So far as the admission of the immigrant is concerned, I have here discussed the topic quite exhaustively; to the extent probably of exhausting the patience of the committee.

The CHAIRMAN. Not at all.

Mr. MARSHALL (continuing). Although there is still much to be said on the subject.

Assimilation is a very important subject; one to which we have hitherto given insufficient thought. It relates to plans for the distribution of immigrants, and of making him an American in every sense of the word as speedily as possible by means of education.

We believe that every immigrant child should be brought within the operation of our compulsory education laws. We believe that every adolescent and every adult who is unable to go to school because of the necessity of his earning a livelihood should be given an opportunity to receive instruction in the English language, and in civics at night schools wherever he can not attend the day schools.

Mr. RAKER. There is not any distinction now between an American born child and an alien child, so far as the application of the law requiring compulsory attendance at school is concerned, is there?

Mr. MARSHALL. Merely in the enforcement of it. I think that truant officers are more lax in regard to the enforcement of the law in the case of alien children than they are in the case of American-born children.

The CHAIRMAN. Where are they more lax?

Mr. MARSHALL. In different parts of the country. I can not specify any particular community.

The CHAIRMAN. Naturally, that would be where there were more aliens, would it?

Mr. MARSHALL. Naturally, that would be the case.

The CHAIRMAN. Would you have this education done by the States or by the Federal Government?

Mr. MARSHALL. I should say that the Federal Government should take the responsibility. I think we can not rely upon the States doing their full duty in that regard. Even in a State like New York, which has certainly the wealth and the interest to cope with the subject, there has prevailed what I consider as almost criminal neglect in respect of this duty. The commission of which I was the chairman, to which I have adverted, rendered a most elaborate report upon the subject of education of immigrants in 1909. We planned a method whereby that could have been put into operation. It

would have required, of course, a substantial appropriation of money. In certain districts the taxation might have been quite high as, for instance in localities where great public works were in progress, and where the immigrants sojourned only temporarily, while employed on canal or railroad construction or in erecting other public structures. Our idea was that the State should undertake the work of education in those localities and should make appropriations in favor of the various communities to enable them to carry on the educational work—

Mr. RAKER (interposing). Is it not doing it now?

Mr. MARSHALL. It is not doing it now, adequately.

Mr. RAKER. I wish you would tell the committee, from your observation, where there has been a difference, with regard to compulsory education in this country between the alien and the native-born children and if there has been such a difference, the reason for it.

Mr. MARSHALL. Well, I have said that there are certain districts in which the law as to compulsory education is not enforced to the same extent in the case of aliens as it is in the case of others.

Mr. RAKER. Well, now, for what reason?

Mr. MARSHALL. I do not know what the reason is except, possibly, the desire of the parents to secure a return from the labor of their children as speedily as possible.

Mr. RAKER. Now, you have stated that, and I want you to give us the benefit of your opinion on this matter, because we have been very much interested in it; you have stated that there is a difference between the treatment of the alien when he comes to this country and the treatment of the native. Now, is it due to the failure of the officer to do his duty that the children are not sent to school?

Mr. MARSHALL. I think it is indifference, largely.

Mr. RAKER. Of the officer?

Mr. MARSHALL. Very often of the officers. There is also contributory negligence on the part of the parents of the children, in some instances.

Mr. RAKER. What would be the reason of the parents for not assisting the officer, or in not having the child go to school?

Mr. MARSHALL. Well, I should say, in some cases, where the parents are poor, and desire the child to earn money, they are disposed to send the children to the factory—

Mr. RAKER (interposing). Well, the parent can not do that, unless he violates the law—unless he applies to the officer to get a permit.

Mr. MARSHALL. Except that there are those who sometimes wink at the violation of law.

Mr. RAKER. Well, I am assuming that they will not wink at the violation of law.

Mr. MARSHALL. They do wink at it everywhere, unless you have efficient supervision by a body which, at least, is supposed to enforce the law. We all know, Judge Raker, that when Uncle Sam steps in he is considered a much more formidable individual than a local official.

Mr. RAKER. I know, but this is peculiarly within the power and jurisdiction of the States.

Mr. MARSHALL. It is.

Mr. RAKER. And we have compulsory education laws, providing that the children of a certain age, say, from 6 years up to 16 or 18.

years of age, must attend school. And what I am trying to find out is, if there is a distinction made between the alien and the native in this benefit to the child, and if so, to find out why there is a refusal to enforce the law as to the alien child.

Mr. MARSHALL. It is merely laxity in enforcing the law; laxity of administration.

Mr. RAKER. Could you give us any idea where that is being done, so that the committee can look into the matter and find out about it?

Mr. MARSHALL. I would not be able to point out any particular instance; it is merely general information that has come to me, and the observation of those who reported to our Immigration Commission in 1908 and 1909, in regard to certain districts, where there was a failure to observe the provisions of the law.

There is also this to be said: In the city of New York, for instance, there is a lack of housing facilities for our schools, especially in some of the districts, where there resides a large immigrant population. Therefore there are many children whose parents desire them to attend school who do not have the opportunity to do so.

Mr. RAKER. What I am getting at now is, why do not these law-abiding and public-spirited citizens of New York make their wants known, make the facts known, to the people, that they have not sufficient school facilities for those children to attend school, and that the State authorities, or the city authorities, are neglecting to provide them with the necessary facilities for attending school?

Mr. MARSHALL. I can send you a copy of our report on that subject, which was made 12 years ago, which discussed this aspect of the subject quite vigorously. We made various recommendations on this topic, and particularly with regard to the establishment of night schools for adults and adolescents, who are not within the terms of the compulsory education laws. This part of our report found its way into the legislative waste basket.

The CHAIRMAN. Do you mean of your State?

Mr. MARSHALL. Of our State.

The CHAIRMAN. The reason I asked that is because it fell to the lot of this committee to develop the present citizenship and Americanization plan that is now working with success; that is, to have night schools under State management, but with Federal direction.

Mr. MARSHALL. That is what I want, Mr. Chairman; I think the more we can get of that instruction the better it will be for the country and for the immigrant. I desire in this connection to call your attention to a most important and a promising idea which has been advocated by the Inter-Racial Council, and that is to induce the leading manufacturers, who are large employers of labor, to establish, on their own time and at their own expense, classes of their own employees who are immigrants unable to speak the English language and not familiar with American conditions, classes in which those who attend can become proficient in the English language, learn to read and write, and also to become acquainted with American history and American institutions.

Mr. RAKER. I can not understand this, and I would like you to explain it: Why it is that in the great city of New York—and I refer to that only; whether it actually applies to that city, I do not know—the officers in charge, capable and competent men, with the entire city and State behind them, with their knowledge of what it means

to have immigrant children uneducated in this country—why it is that they neglect to enforce the law rigidly as against the aliens like they do against the natives, and require them to attend school?

Mr. MARSHALL. My answer to that is—and I have given it already—that in the city of New York it is largely due to the lack of housing facilities for our schools.

Mr. SIEGEL. As a matter of fact, I would like to say——

Mr. RAKER (interposing). Let me ask him one other question along that line——

Mr. SIEGEL (interposing). I would like to make just this one statement: As a matter of fact, the part-time school is in effect in the city, is it not, in various parts of New York?

Mr. MARSHALL. Yes; of necessity.

Mr. SIEGEL. Of necessity, on account of the growth of the city, in many respects, and of people coming from all over the country and settling in New York. Now, speaking from experience, I do not know that our law in New York, as far as the enforcement of compulsory attendance at schools is concerned, differentiates between the foreign and the native born children. I think our proportion of public-school attendance is greater than that of any large city in the country; and I think that Dr. Shiels, who is here, can probably tell us more about that later.

Mr. MARSHALL. So far as that is concerned, I have already given the facts, that in certain districts there are very large numbers of children who are the children of immigrants, or are themselves immigrants, who on account of the necessity of conducting the schools on part time, or because the city has not sufficient facilities for giving instruction to this large number of children, suffer from lack of sufficient schooling.

The CHAIRMAN. Let me ask you this question; let us just take the case of New York once more: What is the unnaturalized alien population of New York? What proportion of the total population is it?

Mr. MARSHALL. I would not be able to give you those figures.

The CHAIRMAN. Do you think it is about one-sixth of the total population?

Mr. MARSHALL. No; I do not think it is as much as that.

The CHAIRMAN. I think it is 1,300,000, or something like that.

Mr. SIEGEL. No; it can not be so much as that.

The CHAIRMAN. Now, is it not true that a great city like New York is continually congested with an alien population?

Mr. MARSHALL. I would not say they are congested; every man there has his work to perform, and does it.

The CHAIRMAN. Well, say he does that——

Mr. MARSHALL (interposing). We have no problem of unemployment there; we have an industrial population.

The CHAIRMAN. You have just at this time?

Mr. MARSHALL. And we have had.

The CHAIRMAN. And you could use many aliens; if they could come in freely, without the illiteracy test, and without passport restrictions, they would probably come to New York a little faster than you could keep school facilities ready for them. Those aliens now add to the wealth of New York, but they add very little to their own wealth.

Mr. MARSHALL. They add to their own wealth. I can tell you, Mr. Chairman, that in the industries to which I referred a little while ago the men who, 20 years ago, were working at the bench have become employers and have become prosperous, and they have enabled others to prosper.

The CHAIRMAN. Yes; there are thousands and thousands of such cases. But the point is this, that the people who have the taxes to pay hold back a little toward enlarging the school facilities all the time.

Mr. MARSHALL. Well, we pay enough taxes——

The CHAIRMAN (interposing). You pay enormous taxes; but they hold back in enlarging the school facilities which are needed by these aliens, only a small proportion of whom become taxpayers in any particular generation.

Mr. MARSHALL. I would not accept that statement.

Mr. SIEGEL. Well, as a matter of fact, in our income tax to-day, practically everybody is paying.

Mr. MARSHALL. We are all paying.

Mr. RAKER. You are paying that for the maintenance of the General Government.

Mr. SIEGEL. And the State government also.

Mr. RAKER. And, as a matter of fact, practically nine-tenths of the more thinly populated States are paying a higher rate of tax for the education of children than New York is paying; is that not correct?

Mr. MARSHALL. I do not know.

Mr. RAKER. You will find that they are paying about 30 per cent higher.

Mr. MARSHALL. I do not know about that; but there are other States which have a very much larger percentage of illiterates.

Mr. RAKER. Yes.

Mr. MARSHALL. I think New York City, with its foreign population, has a smaller percentage of illiterates than more than two-thirds of the States of the Union.

Mr. RAKER. But notwithstanding that fact, you will find that in nine-tenths of the States of the Union, that are more thinly populated they are paying larger school taxes than the State of New York.

Mr. SIEGEL. I do not agree with you as to that.

Mr. RAKER. Your view, Mr. Marshall, is that the community settlements of the Irish in one place, and the Jews in another place, and the Italians in another, and the Swedes in another, is not a good thing for New York, or for the United States; is that not correct?

Mr. MARSHALL. It is desirable to break down as quickly as possible artificial barriers; those barriers are not created by the Italians, or the Irish, or the Jews, or the Swedes; they are the result of conditions as they have existed for many years; and every alien is trying to break through an involuntary boundary and to become assimilated.

Mr. RAKER. Well, they are there, and they are trying to break down the barriers, as you say. And they have the congested population in New York, and the inadequate school facilities, as you say, for the purpose of assimilating these people. Is that true, to a certain extent?

Mr. MARSHALL. The effort is to hasten the assimilation as rapidly as possible, and the school, of course, is the best medium for accom-

plishing that result. And this is true not only of the schools for the children, but I wish to advocate more than anything else the establishment of schools for the adult and the adolescent who works in the daytime, and who should have an opportunity to secure an education while he is engaged in useful and productive employment.

Mr. WELTY. You said that that education should be conducted by the Federal Government?

Mr. MARSHALL. Supervised by it, I said.

Mr. WELTY. Then I did not understand you correctly.

Mr. MARSHALL. My notion is this: The Federal Government has nothing to do with general education, as such, because in every instance the imparting of it would be a local affair, one coming within State jurisdiction.

Mr. WELTY. Yes.

Mr. MARSHALL. When it comes to the immigrant, however, the Federal Government has full power and authority to deal with him as incidental to its jurisdiction over immigration. Therefore it may continue to exercise supervision over him until he actually becomes a citizen of the United States. From that power there follows a correlative duty.

Mr. WELTY. Do you think that the amount of money received by the United States as a naturalization tax, or a head tax, should be transferred to the school fund for the education of the immigrants?

Mr. MARSHALL. I should say that that money should certainly be administered by the Federal Government for the purpose of caring for the education of the immigrant.

Mr. WELTY. Do you know that the Federal Government has only appropriated, probably, \$260,000 annually for these purposes?

Mr. MARSHALL. I know that, and I regard it as a great wrong.

Mr. WELTY. And that it has received \$11,000,000 from these immigrants?

Mr. MARSHALL. I know that, and from time to time I have argued that the Federal Government should not use this money for any purpose other than the speedy development of the immigrant into the citizen.

Mr. WELTY. Rather than exploiting him?

Mr. MARSHALL. Rather than exploiting him.

The CHAIRMAN. Would you have the Federal Government pay for the alien insane in the State hospitals?

Mr. MARSHALL. Well, that is a matter of necessity, I suppose. For instance, New York has in the past paid considerable sums for that purpose. I do not know why the State should bear that burden, so long as the general Government is in receipt of money which should be applicable to that purpose.

Mr. SIEGEL. As a matter of fact, if the Federal Government had done its duty, the murderer of Dr. Markoe would not ever have got to New York; he was insane when he arrived in this country; he got into the United States, and the Federal Government did not deport him; he got into New York, stayed there a year or so, and murdered the surgeon; and there is no reason why the State of New York should bear the expense of maintaining him in an insane hospital.

Mr. MARSHALL. The Federal Government should take care of our immigrants. I am not making any criticism of our officials; but the fact is that the men who are employed are not paid compensation

which will secure for the Government the best and the most competent men to administer the law.

Mr. WELTY. Let me ask you a question to develop further that point about education: What is your opinion about requiring the alien to register during his alienage here, and using that money for his own education, in addition to the money that the Government has received as head tax and naturalization fees?

Mr. MARSHALL. I do not like the idea of registration. I think it is un-American; it is introducing Russian and Prussian methods. It is contrary to the genius of our institutions.

The CHAIRMAN. Why is it that all of these aliens that go into the Union of Russian Workers, and similar organizations, not only register, but are controlled with the greatest severity by their officers, and every one of them is opposed to every form of registration by the United States because they think it is un-American? Why is that?

Mr. MARSHALL. I do not know what registration you refer to?

The CHAIRMAN. They bind themselves to do the will of their officers, and of one another, and to work against this Government, and all that sort of thing; but one and all of them are bitterly opposed to registration in this country, on the ground that it is Russian and Prussian.

Mr. MARSHALL. I do not know anything about the method of registration that you speak of. If that is the case, of course, there would be an inconsistency in the argument that they have presented.

The CHAIRMAN. Well, if there is any person whatever—we will not take the time to debate whether there are many or few—if there are to any extent whatever any people who are banded together against the Government of the United States, why should there be any aliens within the United States who object to registration?

Mr. MARSHALL. Because it is a reflection on their manhood.

The CHAIRMAN. Why is it that so many aliens come here that are repellant to the institutions of the United States?

Mr. MARSHALL. That are opposed to them?

The CHAIRMAN. That are a little repellant, and seem to think that the policeman's hand is against them all the time?

Mr. MARSHALL. I will tell you why: Because they were brought up in countries where the policeman was looked upon as a tyrant; where they were constantly subservient to his will, and subservient to his whims, and where they were constantly being exploited by the police and the police authorities; that is the reason.

The CHAIRMAN. Now, let us carry that out a little further: Is it wise for those aliens to come here, in increasing numbers, and ally themselves, either with the Union of Russian Workers, or with the Communist Party, or the Left Wing of the Socialist Party, or the garment workers' organization, or the tailors' organization, or any other organization, where they can exercise power by voting and use their power to cause that organization to make all sorts of protests to the Congressmen and Senators and others who have something to do with the Government, against all these things that we are undertaking to do?

Mr. MARSHALL. That is a very complicated question.

The CHAIRMAN. No; it is not; they take part, by indirection, in the affairs of the Government.

Mr. MARSHALL. Now, in the first place, you speak about its being objectionable to belong to the garment workers' organization. Is there any objection to the immigrant going into a union?

The CHAIRMAN. Not the slightest.

Mr. MARSHALL. That is a labor union. It is one of the hopeful indications when men begin to cultivate the social qualities——

The CHAIRMAN (interposing). Do not misunderstand me. I think it is absolutely necessary for them to belong to the unions.

Mr. MARSHALL. Yes.

The CHAIRMAN. I think it is absolutely necessary for employees to belong to organized labor; I think their employers ought to have some organization that they can keep track of; if they do not, they will have to deal with a sort of mob.

Mr. MARSHALL. Precisely.

The CHAIRMAN. But the point I am making is that the aliens before they come into citizenship at all, have a very considerable influence in the country, through their voting power in the unions.

Mr. MARSHALL. Well, they go into the union, and the union deals only with its own economic problems, the question of bread and butter, the question of wages.

The CHAIRMAN. I never could see why the alien desiring to do well in the United States, with a chance to become, as so many have become, governor of a State, United States Senator, Member of Congress, mayor of a city, or to hold some other public office—I never could understand why, coming into contact with the opportunities here, they should object to any registration system which would segregate the good from the bad.

Mr. MARSHALL. The point is that such a system would not separate the good from the bad in any way at all; it would be a constant source of annoyance; it would be a sword of Damocles suspended over their heads; and the man who wants to cheat or circumvent the law could do it easily.

The CHAIRMAN. Did you not just say that the United States should have full control of the alien until he becomes a citizen?

Mr. MARSHALL. I said the United States should be his guardian during his period of tutelage.

The CHAIRMAN. The United States should be not only his guardian, but should have the right to send out of the country any alien who was not fit to remain in the country.

Mr. MARSHALL. I say it should have the right to send out any man who was found, after investigation and hearing, to be dangerous to the well-being of the Nation—absolutely.

Mr. WELTY. Now, you say, he is the guardian?

Mr. MARSHALL. He is the ward.

Mr. WELTY. All right; do you not think Uncle Sam should know where his ward is?

Mr. MARSHALL. He does know.

Mr. WELTY. Always?

Mr. MARSHALL. I have not any reason to doubt it. In the first place, under the present law, when the man arrives in the country, the record of his arrival is filed, and his name and the ship on which he arrives——

Mr. RAKER (interposing). Let me ask you a question about that——

Mr. WELTY (interposing). Let me first develop that one point. Now, after he arrives in the United States, and becomes part of the

population, then what does he do? Does Uncle Sam keep track of that alien?

Mr. MARSHALL. Uncle Sam keeps track of that alien, as he keeps track of everybody else.

Mr. WELTY. But Uncle Sam keeps track of you, and of me, and of other citizens by requiring us to register before we can exercise our citizenship.

Mr. MARSHALL. Before we can vote.

Mr. WELTY. Yes.

Mr. MARSHALL. But these people can not vote.

Mr. WELTY. That is true; then, why would you make a difference between the alien and the citizen?

Mr. MARSHALL. If the alien had a right to vote before becoming a citizen, as he has in a few of the States, I would consider it a great misfortune and a serious reflection upon our system of government. In some few of the States aliens are, as I have said, permitted to vote before they become citizens. Of course, if the principle for which I contend were departed from, the alien, before he could exercise his right of suffrage, would have to be registered.

Mr. WELTY. You said a moment ago that if he was required to register it would be a reflection upon him.

Mr. MARSHALL. But that registration is necessary in order to identify the voter, in order that the election officials may know who the man is who seeks to cast a ballot.

Mr. WELTY. That is true. Now, why would you not want to identify the aliens just as well?

Mr. MARSHALL. What is the necessity of having the aliens go to the police office at stated intervals—perhaps necessitating a trip from Chicago to New York—for the purpose of registering?

Mr. WELTY. You could have him register with the authority of the naturalization officers.

Mr. MARSHALL. Well, we have no such officer.

Mr. WELTY. You have a naturalization officer, have you not?

Mr. MARSHALL. We have in every community somebody who is a naturalization officer.

Mr. WELTY. Yes.

Mr. MARSHALL. In New York we have one person who is in charge of the bureau of naturalization under the State courts; we have another person who is in charge of the bureau in the Federal courts; and then we go into the next county and we have somebody else there; and so it is throughout the country. We have no unified system.

Mr. WELTY. There ought to be unified system?

Mr. MARSHALL. This whole subject of immigration is in a dreadful state of mix up.

Mr. WELTY. That is what I say. If we need to have uniform laws, we can begin to understand what the laws are.

Mr. MARSHALL. So far as naturalization is concerned, I do not think that there is anybody in this room who believes in a more stringent policy than I do. There are some people who make it a point to say that a man should become a citizen at the earliest possible moment. I regard citizenship as the greatest gift that can be bestowed on any individual; and that nobody should be given that

decoration or honor unless he deserves it, by qualifying himself to perform the duties and functions of citizenship. I would say he should have to read and write the English language, and that he should be able to pass a thorough examination in civics; that one's admission to citizenship should be looked upon as a matter of the same seriousness as the determination of a controversy between litigants in the courts, and that the Government should be represented in every such proceeding, not by an officer who merely goes through a formal ceremony perfunctorily, but by one who represents it on the trial of the important issue, as to whether or not Mr. A or Mr. B, who is applying for citizenship, is really deserving of it.

Mr. BOX. In the judgment of the gentleman who is speaking, is that being done now?

Mr. MARSHALL. It is not.

Mr. RAINEY. Are not aliens accustomed to registration in their native countries?

Mr. MARSHALL. They are.

Mr. RAINEY. Is there a feeling among them against registration here?

Mr. MARSHALL. That feeling against registration is due to the fact that the necessity of complying with the European law on the subject has been the fruitful occasion for exploitation. For instance, in some countries every man is compelled to carry with him a book in which appears his name, his occupation, his pedigree, and so on. It has to be presented every so often at some office. This involves great loss of time and untold annoyance. If he goes from one town to another, he is obliged to have his book stamped and viséed. He is always subject to pursuit by the police authorities. In the heyday of the Russian autocracy under that system there was practiced the most shameful persecution. Those who have experienced its bitterness can not get that out of their minds.

Mr. WELTY. But this man comes over here, and he forgets what liberty is, or does not know what liberty is, and he forgets that there is such a thing as a government.

Mr. MARSHALL. The difficulty is, my dear sir, that we are prone to generalize on that point. Because 10 men or 100 men forget that fact, it by no means shows that the great mass of those who have come here have done so from any other motives than that of becoming good citizens, of living here as industrious men, or that they do not with joy look forward to the day when they may become citizens and feel that they have a responsibility as such to contribute to the country's welfare, nor does it show that the great bulk of them do not obey the laws. We all know it to be the fact that the overwhelming majority are grateful for the liberty which is accorded to them here and to attain which they crossed the ocean in the spirit of the Pilgrim Fathers.

Mr. WELTY. Well, should not that class be protected against the class that will not obey the laws?

Mr. MARSHALL. They require no protection against anybody; the only protection they need is against exploitation. Why, because one man has committed a crime in any community, should 999 others be subjected to hateful supervision, to offensive registration, to degrading suspicion? There are native-born citizens who are inimical to

our institutions. Why should not they, and by the same token every other citizen, be required to register as was the case in Russia?

Mr. WELTY. Well, why do you register, then, before you can vote? Because one man can vote two or three times over, why should hundreds and thousands of other people be required to register before they can exercise the franchise?

Mr. MARSHALL. The requirement of registration in that case is merely for the purpose of having a means of identification of the voter, but for no other purpose.

Mr. WELTY. Yes; for the purpose of keeping the ballot pure?

Mr. MARSHALL. Yes.

Mr. WELTY. And of protecting the honest voter?

Mr. MARSHALL. Yes; as against the fraudulent or the nonvoter.

Mr. WELTY. Why could you not, in the same way, protect the honest immigrant?

Mr. MARSHALL. I do not think you are protecting the honest immigrant by the proposed method, because he is the very man who will suffer the burden of such a regulation when there is no justification for it.

Mr. RAINEY. Why is there any burden in registration? I do not understand that.

Mr. MARSHALL. This registration law, as I understand it to be planned, would work in this way: The immigrant will have to register in the community in which he lives; to do so he will have to go before some public official and submit to investigation. I do not know whether he has to be finger printed, or whether his photograph has to be taken, or whether he is to be put in a rogues' gallery or not; I do not know all the details of the process. But at stated intervals he must report, no matter where he happens to be, to some officer, and either register again or submit to further interrogation and to the stamping or viséing of his certificate of registration, brass check, or other mark of identification.

Mr. WELTY. Is that required by the law? If he goes into a certain county and registers there, as long as he is there, he does not have to report?

Mr. MARSHALL. Well, his registration does not amount to anything if he only appears once. If registration is to be of any value its efficacy will depend upon following up the registrant.

Mr. WELTY. No; it is not a matter of hounding him; it is for the purpose of doing him some good, for the purpose of educating him, that is all.

Mr. MARSHALL. Well, he can be educated without resorting to these methods. There is no educational value in registration except education of the wrong sort. The millions who have come to the United States up to the present time required no registration in order to make them good citizens, loyal soldiers, industrious workmen, and intelligent men and women. If the immigrant attends school, his name appears on the list of those who belong to the classes——

Mr. WELTY (interposing). Suppose he does not go to school?

Mr. MARSHALL. You can not compel him to go to school under our existing laws if he is an adolescent or adult.

Mr. WELTY. You can not? And you say that Uncle Sam is the guardian of the alien?

Mr. MARSHALL. You do not and you probably would not compel him, if he were a man of adult years. I have already said that schools should be provided for him, and I would favor compulsory attendance. But there are as yet few of such schools.

Mr. WELTY. Then, as a lawyer, you would not carry that idea of the relation of guardian and ward to that extent?

Mr. MARSHALL. You can not always do that.

Mr. WELTY. What?

Mr. MARSHALL. To carry a proposition at all times to its logical conclusion is an impossibility. I am speaking of what as a general principle should be regarded as the relation of the unnaturalized immigrant and the State.

Mr. WELTY. I understood you to say a little while ago that you would be in favor of enforced distribution of this alien population?

Mr. MARSHALL. I am in favor of a proper system whereby distribution would be facilitated.

Mr. WELTY. And do you not think that if you require one man to go to work as a farmer, and another man to go to work as a tailor, and distribute them in that way, it would have a tendency to create them as a class, and be a great deal worse than having a registration system to keep track of them?

Mr. MARSHALL. That is not the difficulty. The idea is to find the employment for which a man is best adapted. I do not mean to say that the immigrant shall be forced into an employment that he does not desire.

Mr. WELTY. You would not enforce that?

Mr. MARSHALL. I would not enforce that, no; I would give the man the opportunity; he should have to find the employment for which he is best adapted. We have never done anything to give him that opportunity. It is of that that I am complaining.

Mr. WELTY. Just one more question and I am through: Do you find a shortage of labor at the present time?

Mr. MARSHALL. I understand that there is a very great shortage of labor.

Mr. WELTY. What is the cause of that?

Mr. MARSHALL. The cause of that is the necessity of speeding production to the utmost, and the failure to have on hand a sufficient quantity of labor to meet that requirement. There is insufficient production, largely due to lack of man power. That necessarily means there is a shortage of labor. In other words, if you say that the production demanded is to be measured by 100, and available labor is measured by 75, there is a shortage of labor to the extent of the difference between 75 and 100; that is the exact situation.

Mr. WELTY. Production in a great many lines has been suspended during the war.

Mr. MARSHALL. It was forced to be suspended because of the necessity of sending into the war industries every available man.

Mr. WELTY. Well, do you find that the shortage of labor is due to the fact that some immigrants have returned to their native land since the war?

Mr. MARSHALL. To the extent that men have left this country; that contributes undoubtedly to the shortage of labor; no matter whether it is due to emigration or death, or whatever the cause may be, the shortage exists.

Mr. WELTY. What percentage of the immigrants who come to this country become naturalized, do you know?

Mr. MARSHALL. I can not give you the figures; a very large proportion.

Mr. WELTY. Do you think that the immigration should be in any way regulated?

Mr. MARSHALL. Regulated in what way?

Mr. WELTY. Well, for instance, where people from a certain nation do not assimilate readily or properly, or are unable to assimilate at all, should they not be excluded, if they can not assimilate with our population?

Mr. MARSHALL. I would like to know who those people are. I have never seen any in this country who are incapable of assimilating. I am now referring to European immigrants. What is meant by "assimilation" calls for definition. The fact that a man or a woman may continue to wear the clothes which they brought from Europe, and which may seem somewhat outlandish to our eyes, as ours may be to them, and the fact that they speak a language which is different from ours, do not indicate that they are incapable of assimilation.

Mr. WELTY. No; but the question is, do they assimilate?

Mr. MARSHALL. They do assimilate unquestionably, some rapidly, others gradually.

Mr. WELTY. Some nationalities do not assimilate as readily as others?

Mr. MARSHALL. Because of their environment.

Mr. WELTY. Yes, as they refuse to get away from their own class of people and assimilate with the American population?

Mr. MARSHALL. I have not any doubt that, if Mrs. Astor, or the ladies on Fifth Avenue would invite residents of those districts in New York, where immigrants live, who have not been fully assimilated, to their homes, they would be very glad to come. They do not assimilate more rapidly because the average American looks down on them and is disposed to ridicule them. We do not give them the opportunity they ought to have. We build a Chinese wall of exclusiveness around them, instead of a protecting wall against the exploiter when they are admitted to this country. Assimilation is often retarded because even when a man is admitted to citizenship which should be regarded as a most sacred rite, he is rushed through the mill in such a manner that all of his hopes and all of the feeling of exaltation that permeated him at the moment of becoming an American citizen, was driven out of him by the brutal way he is treated by the court officials, and by the cold indifference or accented contempt with which the courts themselves frequently treat him.

Mr. RAKER. Right there, Mr. Marshall, what you said to Mr. Welty recalls what you stated in your first examination. I made a note of it, and I want to return to it—that was, on the question of their being looked down upon; you made this statement, with regards to the laboring men during the last four years: That they were extravagant in spending their money lavishly; the young ladies were wearing silk stockings, and so on, and therefore they were squandering their money.

Mr. MARSHALL. There is a great deal of squandering of money going on.

Mr. RAKER. Now, what have you to say about the doctor's daughter who attends school with silk stockings, and neatly and

nicely dressed, because her father is a physician; and the daughter of Mr. Brown, who is a laborer down in the yards, going to school—why should not that laborer's daughter have silk stockings and a good silk dress on, and feel just like an American citizen, just like the doctor's daughter?

Mr. MARSHALL. If the father can afford it, yes.

Mr. RAKER. Well, if the father is earning the money, why should not she dress just the same?

Mr. MARSHALL. Well, it is an erroneous view of life——

Mr. RAKER (interposing). Why erroneous? Why do you say that? Here is the daughter of a laborer who is doing well and earning money, and she is attending the public schools, and she is just as good in every way, mentally, physically, and morally——

Mr. MARSHALL. And probably better.

Mr. RAKER (continuing). Well, why should you say that if her father can receive enough wages, she ought not to be able to dress just like her neighbor?

Mr. MARSHALL. That is a very easy question to put and a hard one to answer.

Mr. RAKER. No; it is just as easy to answer.

Mr. MARSHALL. No. You might as well ask why she should not be put in a palace; why she should not have a private yacht, or pearls and diamonds or a trip to Europe, and this, that and the other thing. The answer is—because it is impracticable.

Mr. RAKER. No; let us not get extravagant. Let us go down to the everyday walk of life—in our school days. Why should not the laboring man earn enough money so that his daughter can go to school just like the daughter of the physician?

Mr. MARSHALL. She can go to school, not only to the primary school, but also to the high school, and in New York City to Hunter College, free of all charge to her father.

Mr. RAKER. Well, why should she not dress like the others?

Mr. MARSHALL. I do not care how she is dressed. That is a matter of taste and of judgment and of circumstance.

Mr. RAKER. I know; but you were complaining about the way the laboring man's daughter dressed.

Mr. MARSHALL. My notion is that we are all of us living on the basis of extravagance. I believe in economy and thrift, in the homely virtues of our forefathers. I believe in conserving for the future. I would like to see every dweller in the land enjoy those things which are within his reach as a result of his industry. I would like him to live a comfortable life and to see him save from his earnings a nest egg for his old age. But as the world is now going on those homely virtues are lost sight of, and too many of our wage-earners, instead of saving, as we were brought up by our parents to do, are carelessly and improvidently wasting their earnings. They have become extravagant. They are not thrifty. They do not resort to the savings banks as was the rule in former days.

This is a free country. I do not care how a man or a woman is dressed. If a woman wants to be dressed in sables on the Fourth of July, so far as I am concerned she can wear that garb; if a working girl wishes to wear two pairs of silk stockings at a time, I have no objection. There is no man more strongly in favor of personal liberty than I am. What I am concerned about is the effect upon our

national life of the spirit of improvidence and wastefulness. That is not a matter for the legislator, but for the educator.

Mr. RAKER. No; but you made that remark, and I noted it, and I am somewhat surprised—

Mr. MARSHALL (interposing). I made that remark to indicate that in dealing with the subject of the high cost of living and the standard of wages, you had to consider the fact that when wages were very high during the war period many of our working people instead of taking advantage of that large amount of money which they were earning—an amount of money which they never dreamed they would be able to earn—wastefully spent that money on useless articles which made them no happier. My idea was that they should have saved that money; it would have been better for them and better for the country. To me the stocking of the French peasant, who keeps in it his savings, presents a more agreeable and hopeful picture than that of the silk stockings now so much in evidence. That is all that I care to say on that point.

Mr. SIEGEL. We have some other witnesses here to be heard.

Mr. RAKER. But we have one witness here now, and I want to ask him a few more questions.

Mr. SIEGEL. That is true; but we promised these other gentlemen to hear them to-day.

Mr. MARSHALL. I will leave these memorials and resolutions.

Mr. SIEGEL. If there is no objection, you may leave the resolutions and they will be inserted in the record.

(The resolutions referred to are as follows:)

NATIONAL CONFERENCE ON IMMIGRATION—MEMORIAL AND RESOLUTIONS.

At a meeting of the National Conference on Immigration, held in the city of New York on April 7, 1920, under the auspices of the Interracial Council, the following memorial and resolutions were adopted:

The countries of the world, as a result of the war, have undergone profound changes, not only in their internal conditions, but in their international relations. These relations include important questions concerned with the immigration and emigration of their peoples. At this time the United States has a larger community interest with the nations of the world than ever before, because of the extension of the principles of freedom and opportunity which our country has so long typified. This nation therefore is doubly concerned, both with the development of such principles and with the questions arising from emigration. In view of these conditions the United States is now confronted with the need of establishing a constructive policy on immigration based on a careful examination of conditions here and abroad, to the end that it may safeguard its interests and promote its welfare.

This conference has been convened for the purpose of considering the various phases of immigration, the present laws applicable thereto, and the desirability of establishing a policy that will redound alike to the welfare of the country and of the immigrant who seeks to make his home here. These problems naturally group themselves under the heads of the assimilation, admission, stabilization, and naturalization of the immigrant, and have been considered in the order stated.

I. ASSIMILATION.

There are now in the United States several millions of foreign-born residents who have come here for the purpose of joining the great army of American industry. Without educational advantages in the lands of their birth and without opportunity after their arrival here to receive instruction, they have necessarily formed their own communities and have been confined in large measure to the use of their own languages. They have added greatly to our industrial development and prosperity. They are grateful for the freedom that they enjoy here. In large numbers they have given evidence of their love of the country that received them with hospitable arms, and

in the Army and Navy, as well as in the war industries, they contributed largely to the successful outcome of the war. It has been asserted that many of them have not become assimilated to American life to the extent desirable and that, because of their segregation, they are not thoroughly acquainted with our institutions. The most cursory study of conditions demonstrates that this is not due to any fault of theirs. Immigrants upon arrival in the United States receive no information concerning the country and its institutions. Their transit to destination is without official supervision. Few systematic provisions are made for connecting them directly with opportunities or contacts in their new home. This is a direct consequence of the failure on the part of our Governments, Federal, State, and municipal, to recognize the necessity of taking affirmative action that will make it possible to incorporate into our national life, as integral parts of it, the uprightness, the industry, the thrift, the devotion, and the steadfastness of the immigrant: 'Be it therefore

Resolved, (1) That it is the sense of this National Immigration Conference that action be forthwith taken leading to the creation of a Federal board of assimilation, charged with the duty of coordinating all existing governmental activities relating to immigration, of facilitating the safe and expeditious distribution of immigrants arriving here to their several destinations, of supplying them with information and assistance in respect to the securing of employment in those industries for which they are best adapted, of affording them instruction in the English language and in the history, customs, and institutions of our country, of protecting them against fraud, extortion, and exploitation, of making them feel that they are not strangers in a strange land, and of providing for cooperation by the several branches of the Federal, State, and municipal governments and by appropriate civic agencies for inducting them into the life of the Nation.

(2) That it is especially essential that all immigrants who are of school age shall have the opportunity and shall be required to attend public or other schools where they may be taught the English language and such other subjects as will equip them for the duties of American life, and that such immigrants who are not of school age, or who for any reason are unable to attend school during the usual hours of instruction, shall be provided with instruction in the English language and kindred subjects at night schools supported by public funds, or, where such facilities are inadequate or are lacking, by the industrial establishments in which they are employed, at regular periods, without deduction by the employer for the time occupied by such instruction from the compensation to which the employee would be otherwise entitled, to the end that the immigrant worker, both minor and adult, may thus become more valuable to himself, to his employer, and to the Nation.

(3) This being a matter of national concern and a subject intimately related to that of the admission of the immigrant, the Federal Government should charge itself with the obligation to supervise the education of the immigrant and to appropriate the necessary funds to conduct this educational work or to assist the several States and municipalities with funds to carry out this purpose; the administration of such fund to be vested in the proposed Federal board of assimilation herein before referred to.

II. ADMISSION.

The marvelous growth of our country, its vast increase in wealth, the development of its resources and its material prosperity are largely due to the immigration that began a century ago. A great proportion of our population consists of immigrants or the sons and daughters of immigrants. To-day there is a labor shortage in practically every industrial activity. It amounts to not less than that of 5,000,000 men. In addition there is a dearth of agricultural labor and of domestic servants to an extent difficult of calculation. The effect is felt by everybody. A low scale of production necessarily enhances prices, restricts exportation, and makes the high cost of living inevitable. Without an increase in our industrial forces we shall be unable to meet the demands that the entire world now makes upon us for food, raw materials, machinery and merchandise. Under the circumstances a policy looking to the exclusion of the immigrant would hamper and curtail our natural development and lead to a world-wide calamity. At the same time care must be exercised lest immigration that would be injurious to the welfare of the country should be encouraged, the selective policy based on reasonable classifications heretofore adopted, being regarded in the main as wise and commendable: Be it therefore

Resolved, (1) That it is the sense of this National Immigration Conference that the present immigration law limiting the classes of aliens who are excluded from admission into the United States should be continued in force, except in so far as it prescribes the literacy test. It is believed that the present law should not be made more onerous by increasing the classes of excludable aliens. We regard the literacy test as not

only without merit, but as a direct injury to the interests of commerce, industry, and agriculture, and recommend its repeal.

(2) That we approve of the strict enforcement of those provisions of the immigration laws directed against anarchists or persons who believe in or advocate the overthrow by force or violence of the Government of the United States or of all forms of law or who disbelieve in or are opposed to organized government or who advocate the assassination of public officials or who advocate or teach the unlawful destruction of property.

(3) That it is necessary for the proper administration of the immigration law that there shall be employed a sufficient force of competent officials to facilitate prompt action with respect to the admission or exclusion of immigrants and for the proper enforcement of the laws relating to their admission or deportation.

(4) That all hearings with respect to the admission or deportation of immigrants be public; that the persons seeking admission or whose deportation is sought be permitted to have counsel or other advisers at such hearings; that adequate methods of review be provided, and that pending the determination of proceedings for deportation the taking of bail be authorized.

(5) That consular agents be stationed in the various countries whence immigration may be expected, in such numbers as will enable them to advise intending immigrants regarding the requirements of our immigration laws and the grounds for deportation, and to ascertain whether or not such intending immigrants have been convicted of crime involving moral turpitude, to the end that the immigration authorities may be promptly informed of such fact, and generally to cooperate with the immigration authorities in the United States for the purpose of carrying into execution the requirements of the law.

III. STABILIZATION.

It is desirable that the immigrant who comes here shall be encouraged to look upon this country as his permanent home. Nothing contributes more to such a state of mind than the feeling that he is under the protection of the law, that he is not subject to discrimination, prejudice, exploitation, or to be looked upon as an inferior being. Unfortunately, in the past, the lot of the immigrant has been beset with difficulties. Among the most serious has been the loss of his savings through the dishonesty or inefficiency of the private bankers with whom he has deposited them and the failure of the public authorities to protect his investments. By a proper protective system the immigrant would be enabled to establish his own home and thus permanently incorporate himself and his family into our population. As it is, however, he has been despoiled of vast sums representing honest toil and constant self-denial and, because of the failure of our savings banks and other financial institutions to appreciate the importance of safeguarding the immigrant in this direction, he has been compelled to resort to the very agencies that have preyed upon him and in consequence driven him to despair. It is the duty of our Government to deal with this abuse and thereby to stabilize the immigrant: Be it therefore

Resolved (1) That it is the sense of this National Immigration Conference that the several States of the United States be urged to enact laws protective of the savings of immigrants deposited for safe-keeping or for transmission abroad, and that the legislation of the State of New York enacted in 1914 contains provisions upon which should be modeled the legislation of other States.

(2) That the various savings banks and other banking institutions duly incorporated and under governmental supervision be urged to establish departments which shall afford special facilities whereby the savings of the immigrants may be protected and safeguarded and the investment of their funds be protected from the many risks to which they are constantly subjected.

(3) That industrial and banking organizations be urged to cooperate with the American relief administration in the sale of warehouse food drafts to immigrant workmen in this country in order that they may be enabled to come to the rescue of their relatives and friends in the lands of their nativity in the most direct and effective manner.

IV. NATURALIZATION.

There are now in this country several millions of unnaturalized aliens. From time to time there will be others who under existing laws will be eligible to citizenship. There are those who insist that whoever comes to this country must become a citizen. There are others who deem it desirable to dispense with the present qualifications for citizenship. There is a general failure to recognize the distinction between immigration and citizenship and the laws that should appertain thereto. While we believe in a liberal immigration law for the reasons already stated, we are of the opinion that

citizenship should not be easy of attainment, but should be regarded as so precious a privilege as to make it synonymous with the possession of those qualities which justify the exercise of the elective franchise. While, however, the qualifications should be of high grade, the machinery for granting naturalization should be simplified: Be it therefore

Resolved, (1) That it is the sense of this National Immigration Conference that there be no relaxation of the present requirements for naturalization and that proficiency in the English language to the extent of ability to read it fluently and to understand it be made a prerequisite.

(2) That naturalization be permitted without exacting a compulsory preliminary declaration of intention; that proceedings for naturalization may be transferred from one State or district to another; that the present requirement of one year's continuous residence in the State in which the application for naturalization is filed be repealed; that depositions of witnesses within as well as without the State in which the application for naturalization is made may be taken, and that but one fee be required of the applicant for citizenship upon admission.

(3) That sessions of the various courts having jurisdiction to naturalize be frequently held within the several districts and, if practicable, in the communities in which there is a large immigrant population, and that such sessions be held at fixed times, not only during the day, but also in the evening, in accordance with the special needs of the several communities.

(4) That such naturalization courts be empowered to accept as evidence of the possession of the necessary educational qualifications for citizenship certificates issued by public schools testifying to the attendance and proficiency in the standardized courses of instruction in English and civics maintained by such schools.

(5) That public officials be charged with the duty of assisting the courts in their investigations into the qualifications and character of the applicant for naturalization, to the end that the proceedings shall be regarded as one of due solemnity.

(6) That the induction into citizenship of those who have met the necessary requirements shall be accompanied by a fitting ceremony that will impress not only the applicant but the public generally with an appreciation of the honor and dignity conferred.

(7) That the opportunity to earn a living shall not be contingent upon citizenship, to the end that the desire to become an American citizen may be through devotion and loyalty to the new country and not from mercenary motives or from necessity to comply with industrial compulsion.

ADDITIONAL RESOLUTIONS.

In addition to the resolutions concerning the assimilation, admission, stabilization, and naturalization of immigrants the conference also adopted the following:

(1) Whereas there exists at the present time a condition of public unrest, commented upon freely throughout the country in the public press, and which is now engaging the attention of Congress; and

Whereas it has been alleged that propaganda conducive to such unrest is being carried on principally among our residents of foreign birth and generally through the foreign-language publications circulated among such residents of foreign birth: Be it therefore

Resolved, That we, the representatives of native and foreign born groups, believing that such allegations are due to a misunderstanding of the aims, purposes, and activities of such groups in America and of their organizations and publications, desire, first, to give expression to our loyal and patriotic devotion to America; second, to register our unqualified disapproval of all activities seeking the destruction of the United States Government; and, third, to urge that the native American public and officials extend to the foreign-born people in America expressions of welcome and friendship and of tolerance and cooperation in their efforts to understand and obey the laws of America and to become American citizens.

(2) Whereas, through the courtesy of Congressman Albert Johnson, chairman of the Committee on Immigration and Naturalization of the House of Representatives, a special hearing on pending immigration and naturalization bills has been arranged by said committee, on which occasion a delegation from this National Conference on Immigration will be given the opportunity to present the resolutions and conclusions of this conference, together with such other data as may be pertinent thereto: Be it therefore

Resolved, That the chairman of this conference be authorized to select or appoint a delegation to attend such special hearing and to avail itself of the opportunity thus afforded to represent this conference before the Committee on Immigration and Naturalization of the House of Representatives.

(3) Whereas it is important that the public be made acquainted with the resolutions and conclusions adopted at this National Conference on Immigration, together with such other data as may be pertinent thereto, and that the favorable consideration of the United States Congress be secured in accordance therewith: Be it therefore

Resolved, That the Interracial Council be requested to appoint a special committee on national immigration policies and program to carry these resolutions and conclusions into effect.

(4) Whereas the proceedings of this National Conference on Immigration should prove of value to persons and agencies interested in the development of a sound American immigration policy: Be it therefore

Resolved, That the proceedings of this conference be prepared for publication and distribution; and be it further

Resolved, That this National Conference on Immigration record its appreciation of the cooperation of the chairmen and the speakers who have made such constructive and valuable contributions to the program.

Mr. KLECZKA. Let me ask you this question, Mr. Marshall: As you have given some study to this immigration problem, let me ask you what elements this committee should consider in formulating our immigration policy. That is, whether our economic needs, or social consideration, should have primary consideration?

Mr. MARSHALL. Of course, we must take into consideration the variant phases of the subject.

Mr. KLECZKA. What would you consider first?

Mr. MARSHALL. We can not ignore the economic problem, and we can not ignore the social problem. We can not ignore our historic policies; we can not ignore the experiences of the past. All of those elements enter into the proposition.

So far as the social policy is concerned, I have already stated that that ought to be considered as reason for keeping out of this country people who are mentally, physically, or morally defective.

People who are able and willing to work, and whose presence here will promote production in the industries, in agriculture, and in all of our various occupations are socially deservable as well as economically.

Politically, we must see to it that nobody is admitted who imperils the continuance of our Government; who would prove to be an enemy to our institutions, or to government in general. Historically, we must see to it that all of those fine traditions which we have fostered and which we have justly recognized as constituting the element of growth in our country should be the policy that our doors should continue to remain wide open to the deserving people of the world, and that we should not isolate ourselves from those born in other lands should also be maintained. Now, those are the various points of view which I approach the subject.

Mr. KLECZKA. Now, then, you criticized the policy of investigation by consular officers, or other governmental representatives, on the other side, of applicants for passports.

Mr. MARSHALL. I think I have been partially misunderstood. I do favor the empowering of consular officials—and I speak advisedly when I speak of consular officials, because usually they are men who have passed through a proper preparatory stage, and have been obliged to take a civil service examination, and are also under the direct supervision of the State Department—to make the necessary investigations with regard to the reputation, character, and past history of the immigrant.

I do object—and that is where my objection comes in—I do object to having the power given to an immigration inspector, who holds his court on the other side of the ocean, to fix the policy of the United States with regard to an intending immigrant and to render a decree of exclusion with nobody in authority over him, with nobody to watch his proceedings, and who would become monarch of all he surveys.

Mr. KLECZKA. But if that was confined to those requirements, that the applicant for passports, or for visé shall furnish consul with proof, first, that he has never violated any laws of the land involving moral turpitude; second, that he is not a member of any organization that believes in the overthrow of government, or of all forms of law; third, that he furnishes proof from the local officials, or the people who know him, that he is a man of good character; and upon the furnishing of those proofs to the consular representative, his passport is viséed—would there be any objection to that?

Mr. MARSHALL. Yes.

Mr. KLECZKA. Where would the objection be?

Mr. MARSHALL. In certain countries it would be impossible to get such certificates. Take, for instance, eastern Europe—take Russia, who is going to give the certificate there? Take Soviet Russia; who is there in that region whose certificate can or should be recognized?

Mr. KLECZKA. Well, I mean under normal conditions; I am not referring to—

Mr. MARSHALL (interposing). Well, I know; but would you ask the former officials of the Czar, those tyrants who at one time were in authority—would you ask for their certificate? Would you accept their certificate? Might they not be the very ones who were engaged in persecuting the very applicant for a certificate? How would it be possible to comply with that requirement in those war-torn countries which now are and for years to come will continue to be in a state of chaos?

Take the Baltic States or Serbia, who would be the person to whom application for a certificate can be made? What has become of the official records in those lands? And if they exist, of what value are they? Who in Bulgaria, or in Austria, or in Rumania would be the person to whom one may apply? What could be expected in the nature of a favorable certificate from those whose whole life has been devoted to the persecution of certain sections of the population? And what of those countries whose policy it may be to discourage emigration? And again, may not the expense of procuring these certificates be prohibitive?

Recently the Inter-church organization of Transylvania came to me and stated that the present Government of Transylvania was discriminating against Protestant churches there. What kind of certificates of character can the members of these churches expect from those who are administering the laws in this discriminatory fashion? The idea is, therefore, to my mind, absolutely unworkable.

You are speaking of a man's good character. Suppose in Russia, you get a certificate that Mr. A, Mr. B, or Mr. C had been brought before the police, that he had been weighed in the balance and had been found wanting. Who is going to try the police? Who is going to determine the value of the certificate of those very individuals who were there in authority for the purpose of depriving the very

people concerning whom they are certifying every vestige of human right? Unfortunately, the certifier is not an unprejudiced authority. That is where difficulty will be encountered. We seem to believe that officialdom in those autocratic countries is actuated by the same sentiments of right and justice and equity that influence public officers in this country; that the courts in those countries proceed with a like freedom from personal bias as that with which our courts act. The pages of history, however, demonstrate the error of such a belief. The passions of mankind do not change overnight, and to-day we must also reckon with the blind hatred engendered by the war.

Mr. KLECZKA. Well, there might be some opportunity for abuse if we were giving the officials of those foreign countries discretionary power; but if it related simply to furnishing proof from some local officials, such as the mayor, or a judge, that the man has never been arrested for any of those things—

Mr. MARSHALL (interposing). But, Mr. Kleczka, if in our courts anybody should ask the question, "Have you ever been arrested?" or "Have you ever been indicted?" the counsel who would not object on the ground of immateriality should be disbarred. The courts have decided over and over again that the fact of arrest means nothing. Anybody is subject to arrest, especially in these days of automobiles. Guilt is not predicable upon the making of a charge, and one's character can not be dependent on the act of a police magistrate who issues a warrant.

Mr. KLECZKA. Well, I did not confine it merely to arrest; I implied that there was also a conviction.

Mr. MARSHALL. In that case the question would at once arise, of what crime has the man been convicted? If he has been duly convicted of a crime involving moral turpitude, our present statute excludes him anyhow; and any evidence that can be obtained establishing conviction by an authorized court would be proper. However, if the alleged crime were not one involving moral turpitude, if it were a mere infraction of a police ordinance or if the conviction were by a political tribunal; if, for instance, it were a soviet tribunal; if it were such a court as some of those that are now functioning in various parts of Europe that proved summarily like a drumhead court-martial, even a record of conviction should not be regarded as of any probative value. I can not forget a recent instance where 36 men were stood up against a wall and shot within an hour after their arrest without even the form of a trial.

Mr. KLECZKA. You also stated, I believe, that you had submitted statistical reports which you considered as reliable, that there was a shortage of 4,000,000 workmen in this country. Have you those statistics?

Mr. MARSHALL. I will be able to furnish them to you.

Mr. SIEGEL. Those statistics will be inserted in the record.

(The following statement has been prepared by the Interracial Council, showing the present labor shortage and the method by which it has been calculated:)

In 1914 immigration was increasing in volume steadily. Assuming that immigration and emigration would have continued at the 1914 rate, we would have received in round numbers, 7,000,000 immigrants for the five-year period from 1915 to 1919, inclusive. And at the rate of emigration for 1914, about 3,170,000 would have re-

turned, so that we would have had an excess of immigration over emigration of more than 3,800,000. From 1915 to 1919 there arrived 1,612,743 persons and 1,180,859 departed from the country. Deducting the net immigration for the war period, amounting to about 430,000, the number shut out from America by the war was approximately 3,370,000.

In reaching its estimate that the industries are short from 4,000,000 to 5,000,000 immigrant workers, the interracial council also considered the new basis of employment in many of the industries where larger forces are required as a result of the average reduction of the work-day from a 10-hour to an 8-hour period. There are approximately 8,000,000 foreign-born wage earners in manufacturing, mining, transportation, and other industries. The more or less general acceptance of the 8-hour workday by industry has resulted in an approximate loss in "production man-hours" which represents the labor of from 1,000,000 to 2,000,000 foreign-born workers. The industries have reported that it is almost impossible for them to get men and that there has been a continuous drop in production.

The interracial council based its statement on an analysis of the period immediately preceding the war when immigrants were coming in at the rate of more than a million a year. Obviously, in determining what the normal rate of immigration and emigration would have been from 1915 to 1919, the figures for the period immediately preceding would be used as the basis of calculation. Conditions for 1914 or 1920 can not be determined by statistics as far back as 1907.

Analysis of immigration and emigration for the period of 12 months following the armistice shows that 214,421 persons left the country and 201,475 persons arrived. Twelve of the races listed as arriving during this period supply skilled and professional labor chiefly, and for these the figures are 109,028 entering and 43,325 departing from the country.

But the figures on the unskilled labor coming to and going away from America tell a different story. For the 22 white races supplying unskilled labor, chiefly in the iron and steel mills, textile factories, railroads, farms, and construction work, the official figures show that 68,790 came into this country and 168,925 went out, and of those coming 38,000 were Mexicans who did not relieve the labor situation except in three Southern States. Eliminating Mexicans, we have a total of 30,000 unskilled immigrant workmen and their families. This demonstrates that approximately five times as many unskilled male immigrant workers left this country from November, 1918, to October, 1919, as came in during that period.

Mr. KLECZKA. And have you also statistics showing the number of unskilled, semiskilled, and skilled laborers in this country?

Mr. MARSHALL. I have not those figures.

Mr. KLECZKA. Your committee has not those figures either?

Mr. MARSHALL. If you desire to get them, I will make inquiries.

Dr. SHIELS. We have a comparative statement showing the immigration and the emigration in the year following the signing of the armistice—and the ratio of unskilled laborers who came and went. But, with regard to the aliens, you would simply have to depend on the census statistics, because the other statistics were simply improvised, and they are not very valuable.

Mr. MARSHALL. We will try to supply you with any information that we can give you.

Mr. KLECZKA. Are there any statistics available, any State statistics outside of the 1910 census statistics?

Dr. SHIELS. Of course, there are the statistics of the Commissioner of Immigration; those are valuable statistics.

Mr. SIEGEL. Is there anything else you want to submit, Mr. Marshall?

Mr. MARSHALL. I have confined myself so much to the question of assimilation—

Mr. RAKER (interposing). Let me ask you this question: Do you know Judge Leon Sanders of New York?

Mr. MARSHALL. I do.

Mr. RAKER. Have you talked with him in regard to the question of registration?

Mr. MARSHALL. I have not.

Mr. RAKER. You are not advised as to whether or not Judge Sanders is favorable to the question of registration?

Mr. MARSHALL. I do not know what his views are on the subject.

Mr. RAKER. Is it not a fact that the Jewish organization in New York, the organization for the Jewish people, now keep a registration of all of those people?

Mr. MARSHALL. I have never heard of that; I do not know of any such fact.

Mr. BOX. The Sheltering Aid Society?

Mr. MARSHALL. The Hebrew Sheltering and Immigrant Aid Society is an organization which has been organized to help the immigrant who arrives here, to finding work and to find his relatives. A certain fraction of the Jewish immigration comes in contact with that organization. In so far as the immigrant comes into relations with it, the society doubtless keeps a record of the names and of destinations. But that does not cover——

Mr. RAKER (interposing). I know; but as a matter of fact, is it not a fact that they try to get and do get practically a very complete record of practically all the Jewish people that come to the United States?

Mr. MARSHALL. They do not. I am a member of the advisory council of that organization, and I have never heard of that; they can not possibly do it; they may think they do, but they certainly can not.

Mr. RAKER. I will put it in this way: Those that come under their protection they make a record of?

Mr. MARSHALL. They must do that; that would be natural, in so far as they actually come into contact with one another.

Mr. RAKER. Wherever they go?

Mr. MARSHALL. They keep a record of the people whom they meet, and where they go, for the purpose of indicating the usefulness of the organization.

Mr. RAKER. Your people do that in connection with those whom you are working with; why should not the Government keep a similar record of all of its wards that come to this country?

Mr. MARSHALL. The Government does keep a record of every man, woman, and child who comes here, because under the immigration laws it is required that records be kept of the name of the individual, his place of origin, his destination, and the ship on which he arrives, for the purpose of identification; a transcript is filed, as I understand it, in the Naturalization Bureau. Is that not correct?

Mr. SIEGEL. No; it is filed in the office of the Commissioner of Immigration.

Mr. MARSHALL. In the office of the Commissioner of Immigration. In any event, in connection with the naturalization of the immigrant there is also a certificate of arrival.

Mr. SIEGEL. Yes; there is a certificate of arrival which is given; that can not be obtained, however.

Mr. RAKER. And that ends right there.

Mr. MARSHALL. And that ends right there.

Mr. RAKER. And he goes out into the population of the country, and in five or ten years there is not any chance to find out what he is doing, and whether he is benefiting the country or not, or anything else.

Mr. MARSHALL. He comes and goes as everybody else does in this country, and as everybody has done since the beginning of our Government; and he works and he helps to build up our industries, and he gets married and brings up a family; and some members of his family become mayors of cities and some become Members of Congress. The son of an immigrant mother is now President of the United States. And another, the son of an immigrant father and of an immigrant mother was a candidate for the presidency of the United States against Woodrow Wilson in 1916—Mr. Justice Hughes.

Mr. RAKER. On the question of their being suspicious of registration and that that would allow the officers to keep tab on them, and give them an opportunity to exploit the aliens, let me say that every citizen of the United States who considers his inalienable right to vote of any value has to register.

Mr. MARSHALL. In most of the States of the Union, that is true.

Mr. RAKER. Now, do you find, or has there been any information brought to your notice, that this registration has been a means of hampering or hounding a man?

Mr. MARSHALL. No; I have never claimed so.

Mr. RAKER. Well, the fact that every citizen has to register has no effect, so far as giving the police anything over him, or any opportunity to hound him, does it? They can not do that whether he registers or not?

Mr. MARSHALL. That is merely a requirement provided by the law as a condition of the exercise of the right to vote. That is another proposition entirely. If the foreigner were to vote, or if the alien were to vote, he should and would be subjected to the same conditions. In those States where the alien is allowed to vote, he is required to register. My belief, however, is that one who has not been naturalized should not be given the right to vote.

Mr. RAKER. Therefore all the citizens who vote have to register, and those who do not vote do not register; and you think it would be to their detriment if we were to enact legislation by which we might know what they were doing and where they were, just like we do about our citizens who vote?

Mr. MARSHALL. I do not think I have been correctly interpreted in that regard. My notion is that the registration means not only having your name put on record when you come into this country; that is done. But it means the constant requirement of re-registering over and over again, at stated periods. It may be once a year now; it may be made later once every six months; or it may be made once every three months, or once every month, as has been the case in some of the European countries.

Mr. RAKER. Then your objection is what you fear as to what might occur or might be done some time in the future, as to the extraordinary amount of registration that might be required by some foolish fellow—that might not ever occur. Is that your objection?

Mr. MARSHALL. My objection lies in the fact that there is this requirement of periodical registration, irrespective of the convenience or inconvenience of the person who is to register, irrespective of the fact that his business may require him to be away from the place where the re-registration must take place.

Mr. RAKER. That is not possible, and there has not been any suggestion of that; it could not be; it would be foolish to suggest that a

man should go from his place of residence or of work in order to register.

Mr. MARSHALL. How would you work it out otherwise?

Mr. RAKER. Just as it is now: A man can register where he is 30 days before he votes; and the assumption that he must move from place to place is only a bugbear of the imagination, a distorted proposition that does not even apply to the question of registration.

Mr. MARSHALL. You will permit me to differ in that respect until I see the language of the statute.

Mr. SIEGEL. The only suggestion that has been made here so far has been the suggestion made by Mr. Welty, of Ohio, to the effect that when they reach a new city they shall register at the county clerk's office.

Mr. MARSHALL. Well, our immigrants are apt to be a floating body of men; they labor where than can find work; to-day they are in New York; to-morrow they may be in Ohio; next year they may be in Indiana or in Missouri. If they are building a railroad, they may be at one time of year in Cuyahoga County, Ohio, and the next six months may see them down in Hamilton County. If registration is to be of the slightest value, you must have them register every time they go into a new State or a new county. That is the thing I am objecting to. You would be setting up a system that would be of no value at all unless registration is accompanied by a periodical requirement for the presentation of documents and of registration in the locality where the person affected sojourns; otherwise, one who has registered in New York City, or in Albany, or in Syracuse—shall he go to Indianapolis, or to Jefferson City, Mo., might be called upon by some policeman, who would say, "Let me see your registration papers."

"Where are you registered?" His answer would be, "I am registered in Syracuse, N. Y." Of what value would that fact be, unless certified documents or corroborative documents were presented to the policeman of Jefferson City; and what would happen if the papers had been lost, mislaid, or stolen? And what would be the plight of a naturalized immigrant absent from his home? I could multiply instances likely to be of daily occurrence.

I am looking at this subject from the point of view of what would be the practical effect of the working out of a registration system that would amount to more than a theory. I have no light to guide me, so far as that is concerned, but the light of European practice.

Mr. RAKER. I understand, then, that you are not opposed to registration if it is done properly, and there is no extra burden, and there is no undue burden placed upon the registrants?

Mr. MARSHALL. Well, I can not give a certificate of indorsement to anything unless I have it before me in black and white. I have no opportunity here of seeing any worked-out plan. What I do know is that discomforts and annoyances, opportunities for exploitation and of bureaucratic brutality, and the imposition of the badge of inferiority here in such a system of registration. I can not express an opinion concerning one that still rests in the clouds and has not as yet been found capable of formulation except in the most general terms.

Mr. WHITE. Let me ask a question at this point: If the immigrant found that he was subjected to no inconvenience, to no exploitation,

and to no hounding, would not that soon relieve his fears and his suspicions?

Mr. MARSHALL. On that assumption, that hypothesis, coupled with the fact that it does not require him to pay fees over and over again, and thereby to diminish his slender means, on the basis of such a post hoc ergo propter hoc argument, registration might be of some value. But I would have to be shown—although I do not come from Missouri—that the results in practical operation would bear out the hypothesis. I am confident that they would not.

Mr. WHITE. Well, that is a psychological proposition. We live under this Government now, all of us well satisfied, and we go along and there are millions of us that do not know what is written in the Constitution; but we understand the spirit of the law.

Mr. MARSHALL. Yes; we understand the spirit of the law and we can protect ourselves against abuses, but the immigrant is not so fortunately situated.

Mr. WHITE. And we have come to have confidence in it, and as we go along why would not your immigrant, who comes here with a superstitious feeling, or who acquires that feeling after he comes here—why should he not get the idea that there was justice? I will not use the word “freedom”; I will not use the word “liberty,” because those words have been distorted. But there is in every man an innate sense of justice, a natural sense of justice; the race of man has always had it. And the immigrant ought to begin to see that it is all right. And yet we propose to enact a law to assist the Government in the administration of justice toward the wards that come here; that is one of the purposes involved in the proposition; I should think that that was very pertinent. And yet you say they would object to that.

Mr. MARSHALL. Mr. White, my idea on this point is that the men who established this country and who have been responsible for its government for the last 130 or 140 years have had full appreciation of what liberty meant, and have never discovered the necessity of resorting to such a method of registration. We also know that from time to time, in various localities, laws have been passed discriminating against the alien, laws by which it has been sought to put him upon an entirely different footing from that of the native-born citizen. We know that that sense of justice that we would like to have applied to all citizens does not always operate in favor of the alien.

Let me call your attention to the decision in *Raich v. Truax*, pronounced by the Supreme Court of the United States a few years ago, involving the constitutionality of a statute passed in Arizona that not more than a certain percentage in any business or industry should be aliens. Now, there you have an act of the legislature which differentiated between the alien and the citizen. The Supreme Court held the act to be unconstitutional. In many of our localities we find that in their license laws and ordinances one of the first conditions imposed is that the person seeking license to carry on a particular business must be a citizen.

Mr. WHITE. I do not think those citations have any bearing on the subject under consideration.

Mr. MARSHALL. They are in point as showing that there is a disposition in many parts of the country to differentiate as against the alien. I could easily multiply examples.

Mr. RAINEY. What objections have you, if any, to a registration system for aliens, which is devoid of any hardships?

Mr. MARSHALL. Well, how would you frame such a system that would avoid these hardships? I can not see how it can be done.

Mr. RAINEY. I know that you have in mind—at least, I think that you have in mind—the burdensome system employed in some of the older countries of the world.

Mr. MARSHALL. I have that in mind very acutely.

Mr. RAINEY. Do you not believe that a good registration system would be a protection to the good immigrant who comes into the country, and would furnish a method of getting hold of the criminal alien who might come in here, and in that way would be a protection to this country?

Mr. MARSHALL. I do not see how that would affect the criminal alien. I do not see how that would protect the good alien.

Mr. RAINEY. Well, we would have a record of them?

Mr. MARSHALL. You would have a record of a man, for instance, who registered in Boston on the 1st day of January, 1920; he goes to Chicago, and is there on the 1st of January, 1921. We find on the register there the name of the man who registered in Boston. What is there to indicate that the man who registered in Chicago is the Boston man? The man who registered in Chicago may have gotten somebody else's registration book, or he may have changed his name.

Mr. RAINEY. The registration certificate would have a description of the individual registered.

Mr. MARSHALL. Well, so far as it has that description, and that description is sufficiently explicit to make it capable of identification in the next registration place, you would have the fact that Mr. A, who had registered in Boston on January 1, 1920, registered in Chicago on January 1, 1921. It does not show whether he has committed any crime, or anything as to the inner workings of his mind, nothing as to his character, his usefulness, his purposes, his achievements. Is it contemplated that he is to be subjected to the third degree by the succession of registration officials, or that an X-ray photograph is to be taken of his mind and his heart; or that he is to go around the country bearing with him a registration book in which police officials have recorded his condemnation, or for that matter have given him a certificate of good character that he may not deserve?

(Thereupon, at 1 o'clock, the committee took a recess until 2.30 o'clock p. m.)

AFTER RECESS.

The committee reassembled at 2.30 o'clock p. m., pursuant to recess.

The CHAIRMAN. The committee will be in order.

STATEMENT OF MR. LOUIS MARSHALL—Resumed.

Mr. RAKER. I would like to ask Mr. Marshall two or three questions. You spoke this morning, Mr. Marshall, about ex-Justice Charles E. Hughes being one of the vice presidents. Does Mr. Hughes attend these meetings?

Mr. MARSHALL. All I know is that he has attended two meetings at which I was present, one at which he presided, another in which he took part. I have personally attended only a few meetings, and I think that there were two of these meetings which he attended.

Mr. RAKER. How would that be as to Mr. Garrison—Mr. Lindley M. Garrison?

Mr. MARSHALL. I have no knowledge as to his activity. I do not recollect having met Secretary Garrison at any of the meetings.

Mr. RAKER. Isn't it a fact that this list of vice chairmen here is just selected merely because they are men of large experience, the public knows them very well and knows their names, and it is just something to make the letterhead look good?

Mr. MARSHALL. They have affiliated themselves with the organization. Their names have not been used without authority.

Mr. RAKER. No; I don't mean that. I mean that while their names are used with their authority they have not given or are not giving any real work and study to the workings of the interracial conference?

Mr. MARSHALL. I would not say that. I do not know just to what extent they have given it personal study; only I do know from my knowledge and acquaintance with the gentlemen named, Secretary Garrison and Justice Hughes, that they are not in the habit of allowing their names to be used in undertakings which do not meet with their thorough approval. I know of one meeting at which Justice Hughes presided, and he took a very active interest and spoke at some length with regard to the purposes of the organization. It was, in fact, the first meeting that I attended of this organization.

Mr. RAKER. Is there anything in the statement that this organization has for one of its purposes—not upon the literature or upon its face—to secure large numbers of immigrants into this country for the industries of those who are interested?

Mr. MARSHALL. I have no reason to believe that that is the case. I haven't the slightest doubt that the men who are interested in that organization, who belong to the industries, recognize the necessity of having sufficient laborers to perform their work, and that they naturally would be in favor of a liberal immigration policy, so that there would be secured a sufficiency of labor to enable our industries to maintain production.

Mr. RAKER. Well, we might really as well be frank among ourselves, they are looking for cheap labor, as cheap as they can get it, aren't they?

Mr. MARSHALL. I do not know that that is their purpose at all. I have never seen or heard anything to indicate that to be the fact. I know that at the various meetings they have recognized the importance of undertaking what is called the Americanization work as rapidly as possible, and that they have favored the plan of maintaining classes at their own expense, at which their employees would, on time paid for by the employer, become acquainted with the English language.

MR. RAKER. Well, if the same amount of money were spent that is being spent by an organization like this inter racial council, spent propaganda and otherwise, the expenses of men and work of that kind—labor in effect is money—the equivalent of money—if that money were spent by these large concerns, manufacturing concerns, steamship companies, in providing ample rest rooms, places for amusement, sufficient toilets for the men and women separately, baths and places to change their clothes, and other conditions surrounding their labor were improved, so that when they got through they might change to go out upon the street, don't you think that they would get a great deal of labor that they do not get now?

MR. MARSHALL. I do not quite understand the question in all its aspects. Of course part of the question assumes that propaganda work is being done by manufacturers, or by steamship companies, which I know nothing about. If your question is as to whether or not I believe that it is desirable that the employers establish a proper system of education for their workmen, of giving them the best sanitary surroundings, of giving them rest hours, of providing for them proper toilets; in other words, doing all that is practical for their comfort, I am certainly strongly in favor of that and do believe that that would tend to create a better spirit among the laborers and necessarily contribute to more intelligent work. But that applies to everybody who labors, whether he is an immigrant or a native born citizen, and the tendency during the past 25 years has all been in the direction of improving the sanitary surroundings of the laborers, of giving them a safe place to work, of establishing improved machinery, of separating the sexes, of considering the problems which affect women and child workers. All those improvements in labor conditions have been introduced and have tended to bring about a vast improvement in the physical, and to a large extent also, in the mental outlook of the laborer.

MR. RAKER. While there has been a tendency, it has not gone quite as far—in other words, there has been a tendency but it has been going very slowly, hasn't it?

MR. MARSHALL. I think it has been going with very great rapidity in the State of New York in the last 25 years. I know that in about 1890 there was very great difficulty in bringing about the installation, for instance, of fire escapes in factories and giving the men and women proper protection against accidents. To-day the tendency on the part of all manufacturers—and it is to a very great extent due to proper legislation—is to take for granted that all these things must be done, and consequently a factor of 1920 as compared with one of 1890 is as day is to night, so far as all those conditions are concerned.

MR. RAKER. Now what I was getting at, if that is the condition in the places you designate, does not that tend to bring more of our own labor to these factories that are willing and ready to work, and thereby making a larger supply of labor?

MR. MARSHALL. I do not think that that has a tendency to bring more people to the factory. People have always worked because they had to work. There are very few people comparatively who would be willing to do very hard work unless there was a necessity for their doing it. There are few people who work for work's sake, and I do not think that so far as that is concerned these improved

conditions affect the question one way or another, except that our business is now being conducted more on humanitarian lines than it formerly was.

Mr. RAKER. And still, all of that has been brought about, not by the voluntary action of the employer, of the large concerns, but it has been done by virtue of legislation. To a very great extent it has been done by legislation and by the agitation of people who believe that it is the duty of the State to protect human life and prolong human life; to make life more livable, and they have impressed those ideas upon the legislators, and the employer has recognized the wisdom of that course as the result of that educational work that has been conducted.

The CHAIRMAN. Let me ask a question there. You said a while ago that it was the duty of the United States to prepare its foreign population for citizenship—to bring about its education. Do you believe that voters should read and write the English language?

Mr. MARSHALL. I certainly do. I do not believe that anybody should be naturalized who is not able to read and write the English language.

The CHAIRMAN. To read, write and speak?

Mr. MARSHALL. To read, write and speak. I think that that is desirable from the standpoint of the State and is desirable from the standpoint of the citizen.

Mr. RAKER. Mr. Marshall, have you given the subject of the method of admission of the immigrant at the various ports any consideration as to observe the slackness with which it is done?

Mr. MARSHALL. Yes; my notion is that the work is not well done; that there has been an insufficient number of inspectors; that the inspectors who have been at work are men who have not been of the grade that you should have; that the immigrant when he has arrived has not been treated with that consideration with which a human being should be treated; that to a very great extent the examinations that have been made have been perfunctory, have not been as thorough as they should be, and that in certain cases where examinations are held and the form of a trial is proceeded with, the immigrant has not been in a position to protect his rights by having advisers who could tell him as to what his rights are, or to speak for him or bring out the exact facts upon such examination. In the days when immigration was very extensive, before the war, the immigrants were rushed through and there was not such a thorough consideration of their cases as would be desirable either from the standpoint of the public or of the immigrant.

Mr. RAKER. Now going back to the question of immigrants, of the number that might come over—say four million—and further, to cover the general subject, the desire of the foreign Governments to sort of restrict immigration from their country, don't you think that they are more desirous of coming here because of the large wages they can get, to the end that they may work a couple of years and then return or send their money back to the old country; that there is a larger incentive for that than there is to merely come here and make it their permanent home—as to many of these laborers?

Mr. MARSHALL. I don't think that any foreign governments have any such desire. My notion is that they will find that they need the workmen themselves. I think that is the great probability.

They must have the man power; they must rely on the physical strength of these people to do the work that they require for their own economic reconstruction. The farms have got to be tilled and cultivated, and the mines will have to be operated; whatever factories they have will have to be carried on. Labor and industry alone will enable these countries to extricate themselves from the ruins occasioned by the war and from universal bankruptcy.

Now, I assume from what you have said that there is something objectionable in the fact that some immigrants have come over here and remained here only temporarily and that while here they send their money back to Europe, or go back to Europe with it. I don't know that we have any cause for complaint on that score. Presumptively if they saved any money it was because of their having performed labor, and of having rendered service. What they earned is therefore their own to do with as they may desire. I know that question was raised a number of years ago by one of the immigration committees preceding this one. The statement was made, "Isn't it injurious to the country to have these men come over here and work on our railroads and work on our subways and then go back to Europe with their savings or to send that money over to Europe?" The answer was, "It is true that they send their money over to Europe, but if the railroads and subways were built by them they have given a quid pro quo; the State and Nation and the public have profited by their labor, and therefore we have no more cause to complain of their going back to their native lands with their money if they wish to go back, or of their sending their money back to their parents, if they desire to do so, than we would have to complain of an American who takes the money that he has earned or inherited in the United States and goes over to Europe and lives there the rest of his days."

The CHAIRMAN. Now, Mr. Marshall, we have examined you at great length and taken a lot of your time, and the committee is grateful to you for your appearance, and I believe we want to hear Mr. Williams this afternoon.

EXHIBIT A.

BRIEF IN OPPOSITION TO THE EXCLUSION OF FOREIGN LANGUAGE NEWSPAPERS FROM SECOND-CLASS MAILING PRIVILEGES.

Before the Senate Committee on Post Offices and Post Roads. Senate bill 3718, entitled "A bill to exclude certain foreign publications from second-class mailing privileges, to increase second-class postal rates, and for other purposes."

This bill purports to amend sections 14 and 15 of the act of March 3, 1879 (20 Stat., 359, ch. 180), and paragraph 9 of section 1 of the act of August 24, 1912 (37 Stat., 550, ch. 389), by imposing as a condition upon which a publication shall be admitted to the second class of mailing privileges, the requirement that it must be printed in the English language, "if printed in continental United States."

Reading the sections sought to be amended in their relation to other sections in the same statutes, it is evident that the publications to which reference is made include newspapers and other periodical publications. Section 7 of the act of March 3, 1879, provides:

"Mailable matter shall be divided into four classes: First, written matter; second, periodical publications; third, miscellaneous printed matter; fourth, merchandise."

Section 10 of this act provides:

"Mailable matter of the second class shall embrace all newspapers and other periodical publications which are issued at stated intervals, and as frequently as four times a year and are within the conditions named in sections 12 and 14."

Section 14 of the act from which we are quoting is one of the sections sought to be amended in the bill now under discussion, in which it is proposed to insert an added condition which would preclude newspapers and other periodical publications printed in a foreign language from the right to be mailed as second-class matter.

Section 15 of the act likewise shows that the statute in its entirety refers to newspapers as well as to other periodicals.

The significance of the proposed legislation is to be gathered from the following statistical facts indicative of the number and circulation of newspapers and periodicals printed in foreign languages in the United States:

Included in the present population of the United States are upward of 25,000,000 persons of foreign birth or parentage, who represent 42 different language groups. Of this number 15,000,000 are of foreign birth. While some of them can read English, the great majority of them are able to read foreign languages only. Such information as they obtain as to the news, the Government, and general subjects, including intelligence from abroad, is afforded by the foreign language newspapers and magazines to which they subscribe and the greater part of which they receive through the mail.

There are approximately 1,500 of these newspapers and magazines, whose circulation aggregates about 8,000,000. They are printed in 33 different languages and are to be found in every State of the Union. The languages in which they appear include the following: Albanian, Armenian, Assyrian, Bohemian, Balkan, Croatian, Chinese, Danish, Dutch, Finnish, Flemish, French, German, Greek, Hebrew, Hungarian, Icelandic, Italian, Japanese, Ladino, Lithuanian, Norwegian, Polish, Portuguese, Rumanian, Russian, Slovak, Slovenian, Spanish, Sewdish, Serbian, Syriac, Turkish, Ukranian and Yiddish.

Less than one-fifth of these newspapers are German. They are read not only by the foreign born, but also by their children born in the United States. Not more than 4 per cent of these publications are Socialist, Communist or I. W. W. in their tendency, probably not more than 1 per cent being Communistic or I. W. W. The American Association of Foreign Language Newspapers is on record as in favor of Americanization and against "Bolshevism in all of its shades." Only citizens can become members of this association, and no corporation a majority of whose officers are not citizens is eligible to membership. These publications are read in all parts of the country. There are nearly 3,000 communities in which there are at least 100 readers of these newspapers and periodicals, and nearly 2,000 communities in which there are at least 1,000 such readers.

There are upward of 200 foreign language magazines, of which 65 are religious, 21 literary, 19 educational, 13 agricultural and 5 medical.

Some of the newspapers are the organs of benevolent and fraternal organizations, having a large membership in all parts of the country engaged in many occupations and professions.

Periodicals and newspapers in various foreign languages are also received from abroad, thereby enabling those who are of alien origin to keep informed of conditions in the lands of their birth.

The readers of the foreign-language press predominate in some of our most important industries, with the following percentages in the productive employments specified:

	Per cent.
Clothing.....	72
Woolen manufacture.....	62
Furniture.....	59
Steel mills.....	64
Mining.....	62
Cotton manufacture.....	69
Packers.....	61
Tanneries.....	67
Bakeries.....	50
Sugar refineries.....	50
Railway and highway maintenance.....	50+

That these foreign-born residents have an interest in the welfare of the country is shown by the fact that 70 per cent of the Dutch own their own homes, 63 per cent of the Bohemians, 60 per cent of the Finns, 50 per cent of the Danes and 44 per cent of the Swedes; while data are not now at hand indicating the extent to which those of other racial stocks have acquired their own homes. It is safe, however, to say that the percentage is large.

If foreign-language newspapers shall be excluded from the second-class because of the languages in which they are printed, they will necessarily be relegated to the third class and will be deprived of the more favorable postage rates accorded to second-class matter.

Postage is required to be paid on third-class matter at the rate of 1 cent for each 2 ounces or fractional part thereof, and must be fully prepaid by postage stamps affixed to such matter. (Act of Mar. 3, 1879, sec. 17; 20 Stat. 359.) This rate is not only largely in excess of that payable by second-class matter, but the requirement that each separate newspaper shall be stamped entails increased labor and expense upon the publishers. Whereas the cost of mailing the average newspaper belonging to the second class, even at the increased rates proposed in the present bill, would be from 2 cents per pound or fraction thereof for the first and second zones, to 8 cents per pound for the eighth zone, the mailing of every individual foreign-language newspaper, weighing as it does on an average approximately 2 ounces, would cost at least 2 cents, regardless of the cost of the increased labor of stamping it.

Moreover, since all of the other classes of mail matter are accorded a preference in delivery over third-class matter, the relegation of foreign-language newspapers into the third class will tend materially to destroy their value as mediums for the communication of news. When one considers that foreign-language newspapers, whose subscribers are scattered throughout the country, are in proportion even more dependent on the mails than are the readers of newspapers printed in the English language, it is obvious that the contemplated discrimination against foreign-language newspapers will not only render the use of the mail by them prohibitive, but as a further consequence would, by curtailing their circulation, render their destruction, save in exceptional instances, inevitable.

The questions that arise from this state of facts are: (1) Is such legislation constitutional? (2) Even if it is, would it conform with a sound and wholesome public policy?

I. THE CONSTITUTIONALITY OF THIS MEASURE. *

One of the most valuable guaranties of the Constitution is that contained in the first amendment, which declares that "Congress shall make no law * * * abridging the freedom of speech or of the press." This amendment was adopted at a time when the suppression of free speech and the censorship of the press in England aroused the just indignation of the lovers of liberty throughout the world. Free discussion was followed by imprisonment, newspapers were suppressed and subjected to the most rigorous tests, opinions on public questions were sought to be dictated by the ministries in power, and treason and sedition were suspected in every utterance.

An interesting account of the struggle for the attainment of freedom of opinion at this period is to be found in Chapters IX and X of May's Constitutional History of England. Among those who led in this contest for liberty, none was greater than Charles James Fox, who recognized the truth that so many are apt to disregard in times of excitement. He said:

"In proportion as Governments are open, they are innocent and harmless. Opinions become dangerous to a State only when persecution makes it necessary for the people to communicate their ideas under the bond of secrecy."

Before him Socrates had said:

"The sun might as easily be spared from the universe as free speech from the liberal institutions of society."

So Demosthenes proclaimed:

"No greater calamity could come upon the people than deprivation of free speech."

And Milton, in his *Areopagetica*, uttered the memorable words:

"Give me the liberty to know, to utter, and to argue, freely according to conscience, above all liberties."

Lord Camden regarded the liberty of the press as "the greatest engine of public safety."

In another of his famous speeches Fox said:

"English freedom does not depend upon the executive government nor upon the administration of justice, nor upon any one particular or distinct part, nor even upon forms, so much as it does upon the general freedom of speech and of writing. Speech ought to be completely free. The press ought to be completely free, when any man may write and print what he pleases, though he is liable to be punished if he abuse that freedom. This is perfect freedom. * * * I have never heard of any danger arising to a free State from the freedom of the press or freedom of speech; so far from it I am perfectly clear that a free State can not exist without both."

In his famous argument in *People v. Croswell* (3 Johnson's Cases, 352) Alexander Hamilton said:

"The liberty of the press consists in publishing with impunity, truth with good motives, and for justifiable ends, whether it relates to men or to measures. * * * There is no other way to preserve liberty and bring down a tyrannical faction. If this right is not permitted to exist in vigor and in exercise, good men would become

silent; corruption and tyranny would go on, step by step, in usurpation, until a last nothing that is worth speaking, or writing, or acting for, would be left in our country."

Thomas Jefferson, the father of the first amendment, said that "liberty of speaking and writing guards our other liberties." He referred to free speech and a free press "as the only safeguards of public liberty," and reiterated that "our liberty depends on the freedom of the press, and that can not be limited without being lost."

The methods employed in England for the purpose of controlling and suppressing thought have been most ingenious. A statute of Henry VIII prohibited women and artificers from reading the New Testament in English. Queen Elizabeth commanded that no person should print any paper unless first licensed by her or six of her privy council or the archbishops, bishops, and the archdeacon. By a decree of the star-chamber issued in 1637 all books were ordered to be licensed by the Archbishop of Canterbury or the Bishop of London or their substitutes. In 1662 an act was passed which prohibited the printing of a book until it was first licensed and registered at Stationers' Hall. In the reign of Queen Anne a stamp tax was imposed upon all newspapers, the amount of the duty being increased from time to time. (Paterson's *Liberty of the Press*, pp. 50-60.)

Of this method of repression it is said in Volume II of May's *Constitutional History of England*, page 172, referring to the period between 1789 and 1798:

"The stamp and advertisement duties were increased; more stringent provisions made against unstamped publications; and securities taken for insuring the responsibility of printers. By all these laws it was sought to restrain the multiplication of cheap political papers among the poorer classes; and to subject the press, generally, to a more effectual control. But more serious matters were still engaging the attention of government. * * * Secret societies, committees, and officers were multiplied throughout the country, by whom an active correspondence was maintained; the members were bound together by oaths; inflammatory papers were clandestinely printed and circulated; seditious handbills secretly posted on the walls. Association degenerated into conspiracy. Their designs were congenial to the darkness in which they were planned. * * *

"The series of repressive measures was now complete. We can not review them without sadness. Liberty had suffered from the license and excesses of one party, and the fears and arbitrary temper of the other. The Government and large classes of the people had been brought into painful conflict. The severities of rulers and the sullen exasperation of the people had shaken that mutual confidence which is the first attribute of a free State. The popular constitution of England was suspended."

The freedom of the press sought to be secured by the first amendment was clearly understood to include immunity from such abuses as prevailed in England at the time of the adoption of that constitutional guaranty. There was to be no repression, no imposition of onerous burdens, no discrimination, no curtailment of the right to publish and to disseminate the printed word. The freedom of the press was not to be "abridged." That does not merely mean that it was not to be destroyed or taken wholly away. It means more than that. Its freedom was not to be diminished, curtailed, or lessened. It was not within the power of either of the great departments of the Government to say to the publisher of a newspaper that it was to be issued but once a month, that it was to consist of a single page only, that it was not to publish any news less than a week old, that it was to be printed only in French or Latin or Spanish or English. It was never contemplated that either the freedom of the press or freedom of speech limited the citizen as to the language in which he would communicate his ideas. With such a limitation speech would no longer be free and the freedom of the press would be abridged to a material extent.

Just as a law that would undertake to limit the number of aliens that might be employed in any given industry would be unconstitutional, as was held in *Truax v. Raich* (239 U. S., 33), so a law that would require the residents of this country to speak and write the English language exclusively would offend the inhibition of the organic law. The enjoyment by a citizen of his rights, whether he be native born or naturalized, can not be made dependent upon his ability to speak, read, or write the English language. He may not be discriminated against for speaking in another tongue any more than he may be because he can not speak a dozen. Outlawry, actual or moral, can not be predicated upon the speaking or reading of French, Italian, Russian, Spanish, or Scandinavian. Under our system of government men can not be penalized because they prefer to read a newspaper published in a language with which they are more familiar than the English language.

To deprive any part of our population of the facilities to read any language that they please, to impose hardships and expense upon them because of their desire to read their newspapers in the language medium that they best understand, is contrary to what has hitherto been regarded as the absolute right of every citizen. The

most chauvinistic of our population would not contend that a law which prohibits the reading of the Bible in the English language, as did the statute enacted in the reign of Henry VIII, would be constitutional. No more would a statute comply with the test of the fundamental law if it prohibited the publication or reading of a newspaper in French, Italian, Walloon, or any other of the 42 languages in which men and women speak and think and carry on their occupations under the protection of our law.

The statistics herein summarized show that millions of our population, industrious, thrifty, and law-abiding, would be deprived of the intellectual sustenance afforded by newspapers and periodicals if the foreign-language press were either totally destroyed or hampered in the circulation of its publications. Millions of them are voters who obtain their information as to matters of public concern from newspapers other than those printed in the English language. The fact that a small percentage of these newspapers are communistic in their tendencies—a much smaller percentage than those published in English—does not justify a repressive measure with respect to the 99 per cent that do not entertain communistic beliefs.

This bill avowedly seeks to deprive all foreign-language publications from second-class mailing privileges, simply because they are not printed in the English language. They may, like the *Courier des Etats Unis*, or *Il Progresso Italiano* or *The Day*, represent ideas which every good citizen shares. They may, as many of them are, be replete with information as to American institutions and American history. They may, as most of them do, inspire their readers with loyalty and patriotism and stimulate the spirit of Americanism. Yet they and their readers are punished because of their desire to employ a language other than English as the medium for attaining those salutary ends.

This bill does not undertake to differentiate between the good and the bad, between those newspapers that preach and teach obedience to our Constitution and our laws and those few in number that are regarded as provocative of disloyalty and sedition. All are indiscriminately excluded from the privilege which is extended to every newspaper published in the English language, and every reader of a foreign-language newspaper is required to pay a prohibitive price for the newspaper that he receives through the mail as compared with that paid for an English newspaper, merely because of the difference in language. An Italian or Yiddish newspaper may literally translate the articles appearing in an English newspaper, and because of mere difference in form is subjected to an imposition of what is the equivalent of the tyrannical stamp tax which George III imposed upon the newspapers of his day. This is the first time in our history when it has been attempted to compel the inhabitants of this land to speak and read in a single tongue by imposing a penalty if they should yield to their preference, or even their need, for another.

It will doubtless be said that this bill does not prevent the publication of newspapers in other languages. It does not prevent the publisher from sending them as third-class matter or by express or by special carrier to the subscribers. It does not prevent the reader from obtaining them at the publication office or at a news stand. It simply excludes him from the right enjoyed by the reader of English newspapers to receive the newspaper of his choice as second-class mail matter.

It must, of course, be confessed that either of these methods of circulation would be much more expensive and inconvenient than the use of second-class mailing privileges, and in a majority of instances would prove entirely impracticable. It would also have to be admitted that the necessary effect of such a regulation would be to eliminate a large number of the foreign-language newspapers, and that that is the real object of this legislation. Decisions will doubtless be cited to the effect that the Government has the arbitrary power to exclude from the mail any publication whatsoever, and that although the foreign-language newspapers would be deprived of a valuable privilege and of that equality before the law to which every citizen is entitled, Congress would be acting within its constitutional powers if it passed such a law, however contrary it may be to justice and fair play.

It is our contention that the decisions which are invoked in support of this extraordinary doctrine do not sustain it. This will be shown by an analysis of the authorities, which will now be made.

The first of these decisions is *Ex parte Jackson* (96 U. S., 727). That arose on a conviction for a violation of section 3894 of the Revised Statutes, which made the deposit in the mail of a letter or circular concerning lotteries intended to deceive and defraud the public a crime. It was argued that Congress had no power to enact such a law. That view was rejected, the power so to legislate being found in the clause of the Constitution empowering Congress "to establish post offices and post roads." This was considered as embracing the regulation of the entire postal system of the country, including the right to designate what should be carried and what should be excluded.

The court had no difficulty in finding that the act under consideration, in its effect, constituted a declaration that the facilities of the mail should not be afforded for the distribution of matter deemed injurious to the public morals, just as the transportation of obscene, lewd, and lascivious publications through the mail could be prevented and punished because of their demoralizing influence upon the people. The court was not called upon to go further than to decide that it was within the competency of Congress to prevent the mails instituted for the public welfare from becoming the cause of a public injury.

In the course of his opinion Mr. Justice Field recognized the fact that the power of exclusion was not unlimited. Said he:

"The difficulty attending the subject arises, not from the want of power in Congress to prescribe regulations as to what shall constitute mail matter, but from the necessity of enforcing them consistently with rights reserved to the people, of far greater importance than the transportation of the mail. * * * No law of Congress can place in the hands of officials connected with the postal service any authority to invade the secrecy of letters and such sealed packages in the mail; and all regulations adopted as to mail matter of this kind must be in subordination to the great principle embodied in the fourth amendment of the Constitution. Nor can any regulations be enforced against the transportation of printed matter in the mail, which is open to examination, so as to interfere in any manner with the freedom of the press. Liberty of circulation is as essential to that freedom as liberty of publishing; indeed, without the circulation the publication would be of little value."

The opinion then calls attention to the fact that, in 1836, the question as to the power of Congress to exclude publications from the mail was discussed in the Senate, and that the prevailing opinion, as expressed in debate, was against the existence of the power. In the annual message of President Jackson of 1835, he had referred to the attempted circulation through the mail of inflammatory appeals tending to stimulate those in slavery to insurrection. He suggested the propriety of the passage of a law prohibiting the circulation of such incendiary publications in the Southern States. A special committee, of which John C. Calhoun was the chairman, though condemning the circulation of such publications in the strongest terms, insisted that Congress had not the power to pass a law prohibiting their transmission through the mail on the ground that it would abridge the liberty of the press. It is true that the conclusion was founded on the assumption that it was competent for Congress to prohibit the transportation of newspapers and pamphlets over postal routes in any other way than by mail. It was admitted that it would follow that if, with such a prohibition, their transportation in the mail could also be forbidden, the right of circulating these documents would be destroyed and a fatal blow given to the freedom of the press. To meet that dilemma it was doubted as to whether Congress possessed the power to prevent the transportation in other ways as merchandise of matter which it excludes from the mail. The opinion, however, clearly shows that newspapers were not in this sense regarded as merchandise, because it proceeds to state:

"To give efficiency to its regulations and prevent rival postal systems, it may perhaps prohibit the carriage by others for hire, over postal routes, of articles which legitimately constitute mail matter in the sense in which those terms were used when the Constitution was adopted, consisting of letters and of newspapers and pamphlets, when not sent as merchandise; but further than this its power of prohibition can not extend."

The Criminal Code contains numerous provisions which make it criminal to carry letters or packets by private express, or to transport persons unlawfully conveying mail, or to transmit any letter or packet by private express, or to transport letters or packets by stagecoach, railway car, steamboat, or conveyance of any kind which regularly performs trips at stated periods on any post route, otherwise than in the mail. (Secs. 181-186.)

Since, therefore, Mr. Justice Field admitted that penal provisions like those just referred to, would include not only letters, but also newspapers and pamphlets, and that any interference with the untrammelled transmission of letters, newspapers, and pamphlets through the mails would violate the freedom of the press, it is evident that the court did not differ from the views entertained by Mr. Calhoun when he pointed out:

"Like provision may be extended to newspapers and pamphlets, which, if it be admitted that Congress has the right to discriminate in reference to their character, what papers shall or shall not be transmitted by the mail, would subject the freedom of the press, on all subjects, political, moral, and religious, completely to its will and pleasure. It would in fact, in some respects, more effectually control the freedom of the press than any sedition law, however severe its penalties."

In *In re Rapier* (143 U. S., 110), an attempt was made to reconsider the decision in *Ex parte Jackson*, supra. That case likewise arose on habeas corpus to procure the discharge from arrest of the petitioner after conviction for mailing a newspaper containing an advertisement of the Louisiana lottery. The earlier statute had been amended so as to provide that no letter, postal card, or circular concerning any lottery, and no list of the drawings at any lottery, no lottery ticket, and no newspaper containing any advertisement of any lottery, should be carried in the mail, and making a violation of the prohibition a misdemeanor. The court adhered to its earlier ruling. The ratio decidendi is to be found in the following passage from the opinion of Chief Justice Fuller:

"The States, before the Union was formed, could establish post offices and post roads, and in doing so could bring into play the police power in the protection of their citizens from the use of the means so provided for purposes supposed to exert a demoralizing influence upon the people. When the power to establish post offices and post roads was surrendered to the Congress it was as a complete power, and the grant, carried with it the right to exercise all the powers which made that power effective. It is not necessary that Congress should have the power to deal with crime or immorality within the States in order to maintain that it possesses the power to forbid the use of the mails in aid of the perpetration of crime or immorality."

In *Public Clearing House v. Coyne* (194 U. S., 497), a bill in equity was filed to restrain the postmaster of the city of Chicago from seizing and detaining appellant's mail and stamping it "fraudulent," and returning it to the senders. The business conducted was manifestly of a fraudulent character, and the prohibition of the use of the mail to further it clearly came within the principle announced in *ex parte Jackson* and in *re Rapier*, supra. In the course of the opinion of Mr. Justice Brown it is clearly shown that the power of classification of mail matter was not an arbitrary one, for he said:

"While it may be assumed, for the purposes of this case, that Congress would have no right to extend to one the benefit of its postal service and deny it to another in the same class and standing in the same relation to the Government, it does not follow that under its power to classify mailable matter, applying different rates of postage to different articles, and prohibiting some altogether, it may not also classify the recipients of such matter and forbid the delivery of letters to such persons or corporations as in its judgment are making use of the mails for the purpose of fraud or deception or the dissemination among its citizens of information of a character to debauch the public morality."

In *Lewis Publishing Co. v. Morgan* (229 U. S., 288), the post office appropriation act of 1912 supplemented existing legislation relative to second-class mail matter by requiring the owners of a newspaper or periodical sent through the mail to file with the postal authorities annually a sworn statement setting forth the names and post office addresses of the editor and managing editor, publisher, business managers and owners, and in the case of a corporation the names of the stockholders and all known bondholders, mortgagees, or other security holders, and in the case of daily newspapers a statement of the average number of copies of each issue sold or distributed to paid subscribers during the preceding six months. It also required that all editorial or other reading matter contained in any such publication for which money or other valuable consideration was paid, accepted, or promised should be plainly marked "advertisement." These requirements were held to be reasonable regulations and not to constitute an abridgment of the freedom of the press or a denial of the use of the mail. That the court did not intend to extend its decision beyond the propositions directly involved, but on the contrary did not regard Congress to possess the absolute right of legislative selection as to what should be carried in the mail, is made clear by the opinion of Chief Justice White. After stating the contentions of the complainant, those of the Government are set forth on pages 299 and 300. The third of the propositions advanced on its behalf is stated as follows:

"(c) That even if these propositions be not well founded and the provision be given the significance attributed to it by the publishers, nevertheless it is valid as an exertion by Congress of its power to establish post offices and post roads, a power which conveys an absolute right of legislative selection as to what shall be carried in the mails and which therefore is not in any wise subject to judicial control even although in a given case it may be manifest that a particular exclusion is but arbitrary because resting on no discernible distinction nor coming within any discoverable principle of justice or public policy."

After discussing the several contentions, the opinion closes with the following significant words (p. 316):

"Finally, because there has developed no necessity of passing on the question, we do not wish even by the remotest implication to be regarded as assenting to the broad

contentions concerning the existence of arbitrary power through the classification of the mails, or by way of condition embodied in the proposition of the Government which we have previously stated."

A careful reading of the opinion further shows that the case was decided upon the narrow question as to whether the requirements contained in the act thereunder consideration were merely incidental to the purpose intended to be secured by the definition of second-class matter. It was clearly not intended to decide that Congress had the power to impose illegal conditions; that is, conditions that would amount to an abridgment of the freedom of the press, the liberty of speech, or of the free exercise of religion.

If this were not so, then the very foundations of our political structure would be subverted. A majority, disregarding those traditions that have made our country what it is, could turn back the wheels of time and reproduce the depotism and tyranny of former centuries. By means of classification and the imposition of prohibitive postal rates it might absolutely destroy the religious press other than that of the denomination favored by the majority. The political party in power could make it impossible for the political views of the minority parties to be published and disseminated in newspapers and periodicals. If the party in power favored free trade it could make it impossible for a newspaper believing in the doctrine of protection to give expression to its views. Those favoring Government ownership of public utilities could silence the advocates of private ownership. In fact the press could be effectively muzzled; just as it formerly was in England, and just as it is at the present time in soviet Russia—the only difference being one of method, the object being identical.

It certainly requires no argument to support the proposition, that whatever makes the exercise of the right of freedom of speech or of the press more expensive or less convenient, more difficult or less effective, impairs or abridges that freedom. It was so decided in *In re Harrison* (212 Mo., 88).

When, therefore, a law, indirectly but effectively, prohibits the publication of newspapers or periodicals in any language other than the English language, it transcends the limits of legislative power; it changes the first amendment by interpolating into it words which it was not intended to contain. Instead of prohibiting Congress from abridging the freedom of speech or of the press, whatever the language employed may be, it merely prohibits it from "abridging freedom of speech or of the press in the English language."

For more than 130 years no legislative body ever ventured to suggest that there should be such discrimination. In fact, in many of our States the legislatures have provided for the publication of the laws enacted at their several sessions, not only in the English language, but in other tongues familiar to a considerable portion of the population. The study of foreign languages was encouraged. They were taught to thousands of children in their early years. They have been employed in commerce, in the industries, in the sciences. They have been spoken from thousands of pulpits and from the forum, and literally millions of loyal and devoted citizens pray to the Almighty for the preservation of our country and for its prosperity in languages other than English. It would, therefore, come as a shock to them were the Congress of the United States to declare that, under the Constitution, they could be prohibited from receiving through the mail newspapers published in a language other than English except on onerous conditions inapplicable to their neighbors who prefer newspapers published in the English language.

II. BUT EVEN WERE CONGRESS VESTED WITH THE POWER OF DEPRIVING FOREIGN LANGUAGE NEWSPAPERS OF THE SAME MAIL PRIVILEGES AS ARE ACCORDED TO NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE, SOUND PUBLIC POLICY WOULD DICTATE THE NONEXERCITION OF SUCH POWER.

The foreign language press having been treated on an equality with the English press in respect to the transmission of newspapers and periodicals through the mail during the entire existence of our present postal system, an infraction of that equality, to be justified, must be supported by overwhelming reasons. If the publications of the foreign language press were all of them tainted with immorality or criminality, if they all preached treason and sedition, that would doubtless constitute a sufficient reason for excluding them from the mail. So, in like manner, if the columns of any particular publication were thus tainted, the deprivation of that publication of the right to use the mail would be justifiable.

No such indictment, however, can be framed against the foreign language press as a whole. Those familiar with it can testify that it is as clean, as honorable, as loyal and patriotic, as is the English language press of this country. As has been shown, not to exceed 4 per cent of the several publications issued in 44 languages is socialistic

in its tendency, and not more than 1 per cent is communistic. During the war, with few exceptions, that impressive collection of publications advocated the policies of America, encouraged enlistment and conscription, and appealed to its readers for subscriptions to the Liberty bonds and for aid to the patriotic organizations whose purpose it was to promote the welfare of our soldiers and sailors.

That there have been isolated exceptions may be admitted. If the publishers and editors of such exceptional prints have been guilty of a crime, it is equally true that there have been even greater offenders among those who have issued newspapers printed in English more widely circulated than any foreign-language newspaper. In either case the offenders should be punished for the violation of such laws as have been enacted applicable to their misdeeds. If there is no such law then it should be enacted. To visit the sins of one wrongdoer upon a hundred men whose conduct is unimpeachable would be intolerable. One might as well condemn a shipload of passengers to death because one of their number has committed a murder. It is always unsafe to generalize, to judge of an entire class by the acts of a few of its members, to take it for granted, because some of foreign birth or speech have been opposed to our national policies or to our form of government, that all of foreign birth or tongue are hostile to them.

Again we say that such a charge is the very converse of the truth; that it is as devoid of support in fact as would be the statement that every newspaper in the United States entertained animosity against our Government and its ideals, simply because there are publications, whose names are on the lips of all, published in the English language, written by men of education and literary skill, that have not refrained in the hour of the Nation's peril from criticizing every governmental act, from attacking our Constitution and our laws, and from undermining the fundamental doctrines upon which rests our theory of government. Let us not be carried away, therefore, by intemperate accusation conceived either in ignorance or in falsehood.

It has also been urged by thoughtless agitators, that the foreign-language press is a deterrent from what is called Americanization. What is probably meant by that term is an understanding and appreciation of American institutions, an acceptance of American ideals, and a devotion to the welfare of the country. It does not mean identity in appearance, in outward garb, in tastes, in speech, in religion, or even in politics. The glory of our country in the past has been that, in spite of all differences in origin, in creed, in opinion, in speech, we constitute one people. *E pluribus unum* is a phrase that fitly characterizes our vast population. Even in colonial days our population lacked that homogeneity that was to be found in England. The early settlers of New York, the Dutch, spoke a language and represented a civilization that were alien to the New Englander, while the German settlements in Pennsylvania differed in essential respects from those of Virginia and Georgia. Our growth was comparatively slow until 1829. From that time our population was enriched by the migration of various racial groups, and as immigration increased the development of our national domain became possible, our industries grew in number and efficiency, and our national wealth advanced to an extent unprecedented in history; so that to-day the entire civilized world is practically dependent upon America.

It is an error to assert that this remarkable achievement is attributable to any single racial strain in our population. America is no more English than it is Saxon. Every one of the 42 nationalities represented in the foreign-language press has done its share in the creation of the real America and of the composite American of the present day. Every one of these constituent peoples has brought a special gift to our Nation. Some have brought brain and others brawn; some ideals and others industry; some manual dexterity and others intellectual power. All, however, have brought valuable traditions, the proper utilization of which can only result in universal blessing.

The best proof of this assertion is afforded by our Army and Navy, which almost literally grew in a night, and in spite of lack of previous training, one is almost tempted to say because of it, wrote the most miraculous chapter in the history of democracy. Irrespective of previous nationality, of race, of origin, of language, of the several units, they were all united in the cause of America, and together wrested the world from autocracy. Hundreds of thousands of these patriots were far from proficient in the English language. Many of them were not even able to speak it, because they have not been long enough in their new home to acquire the language. Yet that did not abate their heroism or diminish the spirit of self-sacrifice, nor did they hesitate to lay down their lives for the cause. An intelligent inspection of the casualty lists will establish the accuracy of this observation. They certainly would not have been better Americans had they been regular subscribers to some of the ultra-intellectual journals of opinion couched in the most elegant of English diction, rather than readers of the foreign language press, from which they derived their love of America and imbibed a sense of gratitude for the blessings of liberty.

Those incapable of reading and appreciating at their full worth these foreign language newspapers, indulging in a priori reasoning, assert that these publications stand in the way of Americanization. Nothing could be more erroneous than such an idea. It is these very publications that instruct their readers in the essence of genuine Americanism. They teach them the principles of our Government, the salient features of our history. They acquaint them with our statesmen and leaders of thought. They enable them to appreciate their rights and their obligations. Deprive them of this educational agency and a vast number would be in a state of ignorance. What matters it if this knowledge be communicated in any one of these 42 languages rather than in English, so long as the desired result is attained? That is the essential thing. To them, without their fault, if fault it be, an English newspaper would be as a sealed book. These men and women came to this country as adults. It was necessary for them and important for the public welfare that they should at once engage in productive labor. They had not the means or the opportunities for self-instruction. Neither the State nor the Nation established night schools in sufficient number to enable them to acquire the ability to read an English newspaper. Whatever of learning they possessed they brought with them across the sea. They have performed their part in the ranks of industry and agriculture. It is now sought to penalize them for our neglect, by depriving them of the instruction, the entertainment and the solace to be derived from reading in a language which they can understand the newspapers or periodicals which are as essential to them as their food.

It is infinitely better for the country at large to give to these men and women of alien birth access to the foreign-language press than to condemn them to that same illiteracy which unfortunately prevails among native-born Americans in various parts of this country. Before the foreign language press should be made taboo, let us at least first see to it that the patrons of that press receive adequate instruction in the English language. Until that time the foreign language press should be encouraged in carrying on its work of education, should be stimulated in its efforts to make itself the missionary and advocate of all that is best in American life. Instead of wantonly destroying the most natural agency for creating that unification for patriotic endeavor among the various peoples of the land—one that could not be reproduced if it became nonexistent without a huge expenditure—it should in every way receive encouragement. Such an agency can not be artificially created. It must be, as it has been, the product of normal growth.

Not only is the foreign-language press necessary for those unable to read English fluently or at all, but it also has educational and other advantages for those able to read English. The children of foreign-born parents are, through that means, better able to understand the ideals and traditions of their forefathers. The bond that unites them to their parents is kept intact. They find it easier to converse with and understand one another. The family relation is thereby maintained and many a tragedy is averted. The heart of the fathers continues to be turned to their children, and the heart of the children to their fathers, as foretold by Malachi.

Moreover, there is no better school of languages for most men than the newspaper and periodical. The foreign-language press affords ready opportunities for the acquisition of the various languages spoken throughout the world. The recent war has destroyed the barriers that have been erected in the past between the various nations of the earth. Our commerce in the future will carry our young men to every part of the globe. Hitherto we have neglected foreign trade. That we shall henceforth cultivate it is inevitable. To conduct it successfully necessitates more extensive training in modern languages than was ever anticipated. Our foreign-language press presents the simplest and most accessible instrumentality for obtaining familiarity with the manifold forms of speech that may prove inestimably useful. Are we at this time, when this commanding need becomes apparent, to spurn the very ladder by which we may reach the end which, as a prudent nation, we should have in view, of developing "the understanding ear," so that out of the babel of tongues we may learn to comprehend what our neighbors desire to say to us?

But this proposed legislation becomes a travesty when one considers that among the newspapers and periodicals that are thus to be penalized are those printed in the languages of France, of Italy, of Serbia, and of the other nations that were associated with us in the war and which constitute a large proportion of the foreign-language press of America. Is there any conceivable theory for discouraging the use of these languages now that a closer tie binds us to the people who speak them than ever before? Would it not have been of inestimable advantage to our Army while abroad if it had been as familiar with French as were the invading Germans?

It is noteworthy that, when the war was at its height, a commission appointed by the English Government to investigate the language question reported that it was now more important than ever for the schools of England to teach modern languages, and German in particular, in order that the commercial and industrial competition

of Germany may be the better met. It is now proposed that we shall take a backward step when other nations are moving forward.

If this law were enacted, journals devoted to medicine, to international law, to the arts and sciences, if not printed in English, would be deprived of second-class mail privileges. We certainly are not so blinded by prejudice as to believe that all that is knowable is concentrated in the English language, and that all of the rest of the world is groping in intellectual darkness. That would be chauvinism with a vengeance!

This plan of fighting against languages has been the favorite resort of despotic governments. Prussia, the evangel of pan-Germanism, attempted to crush the language spoken by the Poles living within the territory which it had stolen from Poland. Austria made the same attempt in Galicia and in Bohemia. Prussia sought to eradicate the Danish tongue after the seizure of Schleswig-Holstein. When Germany wrested Alsace and Lorraine from France she at once undertook to destroy the love of France by driving forth her language. Russia, adopting the policy of creating a pan-Slavic state, for years attempted to annihilate the languages of the Finns, the Esthonians the Lithuanians, the Jews, and the Ukrainians. None of these efforts succeeded, because there is nothing to which men and women hold more tenaciously than to the languages of their ancestors. The more you seek to destroy them, the more certain it is that they will survive. Let us continue to cultivate the broadmindedness of our American past, instead of adopting the detestable policies of the Prussia of the Kaisers and the Russia of the Czars.

While it is difficult to understand the phenomenon that receives expression in this proposed legislation, it is not without parallel in history. The French Revolution, with its uprising of democracy, unfortunately accompanied by shocking excesses, aroused apprehension in England that a similar outburst might occur there if the press were not shackled. There ensued one of the most reactionary movements in English history. The King and Parliament and the courts vied with one another in disregarding every dictate of reason and of justice in their effort to escape from the dangers which they had conjured up in their imaginations. They failed ignominiously, and have gone down into history under an avalanche of ridicule. It may be useful to consider a number of passages to be found in Volume II of May's Constitutional History of England dealing with this subject:

"There is no longer room for doubt that the alarm of this period was exaggerated and excessive. Evidence was not forthcoming to prove it just and well founded. The societies, however mischievous, had a small following; they were not encouraged by any men of influence; the middle classes repudiated them; society at large condemned them. None of the causes which had precipitated the revolution in France were in existence here. The evils of an absolute government had long been corrected. We had no lettres de cachet, nor bastille; no privileged aristocracy; no impassable gulf between nobles and the commonalty; no ostracism of opinion. We had a free constitution, of which Englishmen were proud; a settled society, with just gradations of rank, bound together by all the ties of a well-ordered commonwealth; and our liberties, long since secured, were still growing with the greatness and enlightenment of the people. In France there was no bond between the Government and its subjects but authority: in England, power rested on the broad basis of liberty. So staunch was the loyalty of the country, that where one person was tainted with sedition, thousands were prepared to defend the law and constitution with their lives. * * *

"Yet their very loyalty was now adverse to the public liberties. It showed itself in dread and hatred of democracy. Repression and severity were popular and sure of cordial support. The influential classes, more alarmed than the Government, eagerly fomented the prevailing spirit of reaction. They had long been jealous of the growing influence of the press and popular opinion. Their own power had been disturbed by the political agitation of the last 30 years and was further threatened by parliamentary reform. But the time had now come for recovering their ascendancy. The democratic spirit of the people was betraying itself and must be crushed out in the cause of order. The dangers of parliamentary reform were illustrated by clamors for universal suffrage, annual parliaments, and the rights of man, and reformers of all degrees were to be scouted as revolutionary. * * *

"The King's speech on the opening of Parliament repeated the statements of the proclamation and adverted to designs, in concert with persons in foreign countries, to attempt 'the destruction of our happy constitution and the subversion of all order and government.' These statements were warmly combated by Mr. Fox, who termed them 'as intolerable calumny upon the people of Great Britain,' and argued that the executive Government were about to assume control, not only over the acts of the people but over their very thoughts. Instead of silencing discussion, he counseled a forwardness to redress every grievance. Other speakers also protested against the exaggerated views of the state of the country which the administration had encour-

aged. They exhorted ministers to have confidence in the loyalty and sound judgment of the people, and instead of fomenting apprehensions to set an example of calmness and sobriety. But in both Houses addresses were voted, giving the sanction of Parliament to the sentiments expressed from the throne. The majority did not hesitate to permit popular privileges to be sacrificed to the prevailing panic."

But, even were the attempt to destroy the foreign-language press successful, is it believed that these apprehended imaginary evils—or even assuming they were real ones, which is earnestly denied—would thereby be obviated? People may for a time be prevented from speaking and writing. They can not be debarred from thinking. If the use of a foreign language is regarded as injurious, those who are not masters of another language can not be prevented from communicating in it. It was not even possible for Germany, with all of her power, in spite of the atrocious penalties which she proclaimed against violators of her decrees, to prevent the publication and distribution in Belgium during the war of a newspaper printed in French under the very eyes of the exasperated military authorities, who made themselves monumental objects of ridicule.

It is therefore fatuous to believe that foreign languages can be eradicated by an act of Congress. If there is danger in a foreign-language publication, it must become apparent to a discriminating reader. Is it not a hundredfold better that these publications shall be open than that they be secret? In the former case the evil can be corrected. In the latter it may not even be detected. But such a suggestion is indeed inapplicable to existing conditions. The foreign-language press, speaking of it as a whole, is of as high a grade intellectually, patriotically, and educationally as the average newspaper printed in the English language. It serves an imperative need; otherwise it would not exist. It is one of the great agencies for Americanization. It is as much a part of that press whose freedom has been guaranteed by the Constitution as is the portion that has adopted the English language as its medium of expression. Any interference with that equality of right that is our most valued possession would be an act of injustice and oppression, certain to entail the inevitable consequences that have ever followed where such a policy has been attempted.

It is respectfully urged that this bill should not become a law.

LOUIS MARSHALL,
*For the Interracial Council and the
American Association of Foreign Language Newspapers (Inc.).*

The CHAIRMAN. State your name and address, Mr. Williams.

STATEMENT OF MR. JOHN WILLIAMS, STAMFORD, CONN.

Mr. SIEGEL. Where do you live now, Mr. Williams?

Mr. WILLIAMS. In Stamford, Conn.

Mr. SIEGEL. You formerly were commissioner of labor of the State of New York, I believe?

Mr. WILLIAMS. I was.

Mr. SIEGEL. And will you just tell the committee in what years, and then we will let you make your statement.

Mr. WILLIAMS. I served in the State of New York from May 1, 1899, to May 22, 1915. For nine years I was chief factory inspector, and then I became commissioner of labor by appointment from Gov. Hughes.

I am here, Mr. Chairman and gentlemen of the committee, by virtue of the fact that I was chairman of the conference on immigration which was held in the city of New York on the 7th of this month. At the present time I am connected with industry, as the director of industrial relations of the Yale & Towne Manufacturing Co.

Mr. SIEGEL. That is the big lock concern, isn't it?

Mr. WILLIAMS. Yes, sir. While I do not assume to speak officially for industry, yet I wish to address myself somewhat to the subject as it affects industry.

The CHAIRMAN. You are coming, however, as the representative of the conference which was held under the auspices of the inter-racial council?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. In New York on April 7?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. You were delegated to come here?

Mr. WILLIAMS. Yes.

The CHAIRMAN. I am sorry I did not know that fact, or I would have provided additional time in which you could be heard.

Mr. WILLIAMS. I assume, Mr. Chairman, that it is not necessary in this presence to stress the point that industry is patriotic. I think that industry proved its patriotism during the war.

Mr. RAKER. I would like to know what you mean by that. I supposed that all of our people, no difference where they were or what they were doing, were patriotic, and I can not get the viewpoint of so many institutions and organizations coming out the first thing and saying, "We are patriotic." I just supposed it was assumed that you are all patriotic, and am I not right in that assumption?

Mr. WILLIAMS. I am perfectly willing to agree with you. The only reason for my statement is that sometimes the motives of industry, especially at a time like this, are misunderstood, misconstrued. Industry does not seek to break down the safeguards which are essential to our national welfare. Our industrial development, as has been well stated by Mr. Marshall, has been promoted, fostered, and made possible because of the tides of immigration which furnish our man power. Without the man power coming through this avenue, it is doubtful if our industries could have attained the development which has been attained.

Another self-evident fact in these days is that the world needs production, the United States as well as all the other countries of the world. They all need production. We are unable to supply our own needs to-day, and our inability is due to the shortage in the labor market, particularly in that grade known as common labor.

To get production we must have man power. We have all the mechanical equipment, perhaps that we need for some time to come, and in a general way we are fairly well supplied with the skilled trades and machine operators, but so far as common labor is concerned there is undeniably a great shortage. I do not feel that it is necessary to stress this point, yet I think it is well worth mentioning, that the average native American will not engage in that kind of service. He has outgrown that. He does not wish to be drawn into that kind of work; he is disinclined to undertake it at all.

Mr. RAKER. In connection with that statement, of course if there had not been any discovery of America, if there had not been any immigration here, there would not have been any America, would there?

Mr. WILLIAMS. Naturally.

Mr. RAKER. And if it had not been that people kept coming here and living here and staying here and working here, we would not have had any United States.

Mr. WILLIAMS. Yes, sir.

Mr. RAKER. You don't mean that our great progress has been just simply by virtue of the alien labor that has come over here just to work, do you?

Mr. WILLIAMS. No; not entirely.

Mr. RAKER. Well, not even a large faction, do you?

Mr. WILLIAMS. I do insist that their coming here has been a very important factor in our development.

Mr. RAKER. Well, without immigration we would not have had any United States, would we?

Mr. WILLIAMS. No.

Mr. RAKER. We would not have had any people, would we?

Mr. WILLIAMS. No.

Mr. RAKER. Then of necessity you can't claim that it is just because of the immigration of the alien labor class that it has built up this country and that we need that, and without it we can not prosper?

Mr. WILLIAMS. I have not said that without it we can not prosper; but I do say this, that our prosperity will be retarded unless we have an ample supply of common labor, and since the country itself does not produce the common labor that we need, then we must look elsewhere for it.

Mr. RAKER. Upon what basis do you claim that the country does not produce the common labor? We have got along now for the last four years with but little foreign immigration.

Mr. WILLIAMS. That is true.

Mr. RAKER. And we have carried on one of the greatest struggles that is known in the history of the world.

Mr. WILLIAMS. That is true, and the country during that period did produce vast quantities of material for war purposes. The men in industry were laboring during that period under the stress of an impulse which at the time the armistice was signed really lost its force, because there was then no occasion for the tremendous energy that was displayed by them in the production of war materials.

Mr. RAKER. Having displayed that tremendous energy with such tremendous and successful results, with our country dependent upon a continuation of it, do you believe that we have just sort of backslid, to the end that we can not get on our feet unless we get foreign labor to do our work?

Mr. WILLIAMS. I believe this, sir, that for some reason or other we are not getting the production, not the volume of production, that we got during the war.

Mr. RAKER. Why aren't you getting the volume of production?

Mr. WILLIAMS. Now you have asked a question that demands a straightforward answer, it is because you can not get them to put the energy in their work that they displayed during the production of war materials.

Mr. RAKER. Now, right there it must be conceded, then, from your statement, that we have the men; that if they did the proper hours of work and put the same amount of efficiency into it as they did during the time of the war, we could do the work?

Mr. WILLIAMS. I am not conceding that.

Mr. RAKER. Well, will you concede it?

Mr. WILLIAMS. No; I will not.

Mr. RAKER. Will you concede it to about 90 per cent?

Mr. WILLIAMS. No; I won't concede it up to 90 per cent, for this reason: We were then engaged in the production of war materials; when the war ceased there was a demand for such a variety of products that we were not organized to produce and to-day we are unable to produce because of the shortage of help and because of the fact that labor has slowed down.

Mr. RAKER. Well, that is just what I was getting at.

The CHAIRMAN. Now, let me take it up a minute there. You are speaking for labor as you know it at this moment in the concern in which you are employed?

Mr. WILLIAMS. Not alone as I know it in the concern with which I am connected, but as I know it after consultation and conference with the representatives of a large number of other concerns throughout New England.

The CHAIRMAN. How much has it slowed down?

Mr. WILLIAMS. It would be very difficult to estimate, and I would not undertake to state in terms.

The CHAIRMAN. Is it slowed down by doing a little slower work per day and laying off more days per week?

Mr. WILLIAMS. The latter is one of the principal causes, without a doubt.

Mr. KLECZKA. Are you familiar with the fact that the Adamson 8-hour law required something like 200,000 additional men to carry on the freight transportation of the country?

Mr. WILLIAMS. I am not familiar with it, but it does not surprise me if that is the case.

Mr. KLECZKA. The statement has been made that those are the official figures.

The CHAIRMAN. Now, do you get any new labor in there at all at present?

Mr. WILLIAMS. No, sir.

The CHAIRMAN. None?

Mr. WILLIAMS. None, whatever.

The CHAIRMAN. So you do not know whether this new labor would slow down if you had it?

Mr. WILLIAMS. Of course we can not assume any of these conditions until we have tested them.

The CHAIRMAN. It is fair to assume, however, that in any factory employing 2,000 men, if 10 per cent new alien common labor came in fresh into the country, it would soon follow the customs of the standard employees?

Mr. WILLIAMS. That would remain to be seen.

The CHAIRMAN. You don't admit that. Now, then, you came down here for some purpose, to make an appeal of some kind. What is it?

Mr. WILLIAMS. Our appeal is not to break down the regulations that control immigration, except in so far as the literacy test is concerned.

The CHAIRMAN. You don't like the literacy test?

Mr. WILLIAMS. We do not think that it is for the best interests of the country.

The CHAIRMAN. Well, without the literacy test, a great many more would come in?

Mr. WILLIAMS. That is our assumption.

The CHAIRMAN. And we would get right back to the former high tide as soon as the steamship accommodations would permit, of 1,400,000 a year.

Mr. WILLIAMS. Even so; we are able to absorb them as they come.

The CHAIRMAN. You think we absorb them thoroughly, do you?

Mr. WILLIAMS. I do.

The CHAIRMAN. And there is no cause for alarm in this country now as to the conditions of the melting pot, dross, malassimilation, or anything of that kind?

Mr. WILLIAMS. There may be alarm; whether it is justified or not is another question.

The CHAIRMAN. What is your opinion about it?

Mr. WILLIAMS. I don't think it is justified.

The CHAIRMAN. Have you had any radical trouble in your State?

Mr. WILLIAMS. No, sir; not to speak of—that is, not in our part of the State. We have had labor disturbances in New England, as in other sections of the country.

The CHAIRMAN. You have had no evidences of extreme radicalism or a desire to make this country part of an international government.

Mr. WILLIAMS. There may be some, but we have not felt that in our part of the country it has been so very serious.

The CHAIRMAN. Have you studied it—have you made a personal study of that phase of it?

Mr. WILLIAMS. Somewhat.

The CHAIRMAN. Of the alien labor in your plant, what is the bulk of it?

Mr. WILLIAMS. The principal nationalities represented are Italian, Hungarian, Polish, Greeks, and Russians.

The CHAIRMAN. Are the Russians pretty good workers?

Mr. WILLIAMS. Yes.

The CHAIRMAN. You see no objection to any number of Russians coming to the United States?

Mr. WILLIAMS. So long as they measure up in quality to the men that we have, no.

Mr. RAKER. What do you mean by "the men that we have?" You mean the workingmen, just for working purposes?

Mr. WILLIAMS. Yes; and they behave themselves fairly well.

The CHAIRMAN. Now, you are willing that they should come from Russia, which we all know is a disturbed country right now, in any number and illiterate, unable to read and write?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. You are perfectly willing. Connecticut will take care of them, will it?

Mr. WILLIAMS. It will take care of its share of them.

Mr. RAKER. The very premise that you have before the committee is this, namely, to repeal the literacy test, to the end that men might come here who are not qualified to do anything else except common labor?

Mr. WILLIAMS. Primarily that is industry's need to-day, men to do common labor.

Mr. RAKER. And that is the reason you want the literacy test repealed, to the end that this common labor, which is unable to read and write and understand—to read the principles of our Government and become familiar with them in that way—might be obtained for the purpose of laboring in the various industries?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. How much common labor is needed, in your opinion, in the country now?

Mr. WILLIAMS. I would not undertake to quote any figures.

The CHAIRMAN. Did the interracial council, which made you a delegate here, come to any conclusion on that?

Mr. WILLIAMS. I can not tell you as to that. In any event, except as it may be supported by statistics, any conclusion which I might state here would be largely a matter of my individual opinion.

The CHAIRMAN. I just wanted to know if that council had any basis of a statistical kind to support their claim that was first put out, that we needed 4,000,000 common laborers, and now the statement has been made that we need 5,000,000.

Mr. WILLIAMS. I believe that the council has some data that it probably will be ready to file with the committee on that point.

The CHAIRMAN. That will be very interesting.

Now the bringing in of 5,000,000 common laborers would imply the bringing in of wives and children.

Mr. WILLIAMS. I don't know that I quite catch the point.

The CHAIRMAN. You would have 5,000,000 common laborers invited into the United States—you say they need them?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. Would you have them bring their wives and families, or would you prefer single men?

Mr. WILLIAMS. I think it would be advantageous for them to bring their families.

The CHAIRMAN. It certainly would; yes.

Mr. RAKER. That would add then about 20,000,000 more.

Mr. WILLIAMS. I believe the country can absorb them.

Mr. RAKER. Now in your own bailiwick—what is it?

Mr. WILLIAMS. Stamford, Conn.

Mr. RAKER. How large a city is it?

Mr. WILLIAMS. Forty thousand.

Mr. RAKER. How many common laborers are you short of, have you been in the last six months, in Stamford, where you live and do business?

Mr. WILLIAMS. I should say offhand 500.

Mr. RAKER. How many men of workable age are there in Stamford that are not employed, and has there been during the last six months?

Mr. WILLIAMS. Not very many of those who want to work.

Mr. RAKER. Now that is not what I asked. How many are there of workable age that have been unemployed during the last six months in Stamford?

Mr. WILLIAMS. May I ask a question?

Mr. RAKER. Yes.

Mr. WILLIAMS. Do you mean men who are of employable age?

Mr. RAKER. Yes.

Mr. WILLIAMS. Who have failed to secure work?

Mr. RAKER. That were there, that are not working and were not working during the last six months, a week, two weeks, three weeks, six months, five months, four months—whatever it might be.

Mr. WILLIAMS. I don't think we have 25, sir.

The CHAIRMAN. Your population there is a mixed population.

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. What predominates?

Mr. WILLIAMS. The native American.

The CHAIRMAN. Native Americans themselves of alien stock a few years back; Irish, for instance?

Mr. WILLIAMS. Yes.

The CHAIRMAN. French Canadians?

Mr. WILLIAMS. There is quite a large sprinkling of native New England stock, so called.

The CHAIRMAN. That is your base?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. What per cent of that is the population of Stamford?

Mr. WILLIAMS. The native New England stock?

The CHAIRMAN. Your base stock.

Mr. WILLIAMS. I should say about 40 per cent.

The CHAIRMAN. Now you don't discriminate at all—you don't recognize them as your substantial people over your other people there?

Mr. WILLIAMS. No; not at all.

The CHAIRMAN. They are your base—40 per cent, you say?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. All the rest is divided now until you come to the newcomers, who are not citizens at all, and they are made up of all the races you have named?

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. Do they have their own schools?

Mr. WILLIAMS. There are a few so-called national schools among the immigrants.

The CHAIRMAN. Who conduct the schools?

Mr. WILLIAMS. Generally speaking they are parochial, Catholic parochial schools.

The CHAIRMAN. Do you conduct any classes in your works?

Mr. WILLIAMS. No; but we cooperate with our local board of education.

Mr. RAKER. How many common laborers are there in the city of Stamford?

Mr. WILLIAMS. Well, that is rather a difficult question. I should say offhand that there are probably 3,500.

Mr. RAKER. How many young women are employed, women from 15 to 50, working in the industries there?

Mr. WILLIAMS. Not less than 2,000.

Mr. RAKER. Now tell the committee what kind and class of work you are going to put this 5,000 common laborers to work at?

Mr. WILLIAMS. Five hundred.

The CHAIRMAN. You want 500 there?

Mr. RAKER. All right, 500 common laborers to work in Stamford.

Mr. WILLIAMS. The demand for common laborers to-day in Stamford comes not only from the manufacturing industries, but from the building industry, including the construction of buildings, road building and other forms of public work.

The CHAIRMAN. What do you pay for common labor?

Mr. WILLIAMS. It ranges from about 49 cents an hour up to 70 cents an hour, 70 cents being the rate for common labor on construction work.

Mr. RAKER. You are short of men for municipal road building?

Mr. WILLIAMS. Yes, sir.

Mr. RAKER. About how many?

Mr. WILLIAMS. I could not estimate the number, but they are included in that estimate of 500 that I gave you.

Mr. RAKER. Then for construction of buildings, how many are you short of common labor there?

Mr. WILLIAMS. I can only give you the same answer, that I have bunched the whole thing together and estimated 500 for the community.

Mr. RAKER. Then in Stamford everybody that has business to do, generally speaking, is out looking for common labor?

Mr. WILLIAMS. They are.

Mr. RAKER. And you are paying them from 49 to 70 cents an hour?

Mr. WILLIAMS. Yes, sir.

Mr. RAKER. Don't they demand more?

Mr. WILLIAMS. I do not think that they have made any formal demands; no.

The CHAIRMAN. Now the statement was made here only in the last week that common labor in New York and Brooklyn brings \$6 a day.

Mr. RAKER. \$8.

The CHAIRMAN. \$6 for common labor, I got it.

Mr. BOX. For eight hours.

The CHAIRMAN. For eight hours. Won't your labor be inclined to move up to New York and Brooklyn?

Mr. WILLIAMS. I do not think so. In the first place there is the problem of transportation, for if they move down there they might find it very expensive to live, and they would naturally wish to commute if they had to work there, and in the end the sum total of their earnings would not be as great as if they worked in Stamford at the prevailing wages.

Mr. RAKER. How much did you pay these men before the war, per hour?

Mr. WILLIAMS. I think that six years ago common labor worked for about \$2 or \$2.25 a day.

Mr. RAKER. How much an hour? You just gave it per hour and now you are giving it per day.

Mr. WILLIAMS. About 20 cents to 22½ cents an hour.

The CHAIRMAN. The eight-hour day has not become popular—is not the prevailing day in Stamford?

Mr. WILLIAMS. No; the prevailing day in Stamford industries, or the prevailing hours, are 50 hours a week—9 hours the first 5 days and 5 hours on Saturday.

Mr. RAKER. I have been trying to find out wherein in the Stamford industries you are short of labor, and I have not been able to discover it yet. You have simply given the shortage on the public works, on the roads, the shortage on the construction—I mean on the foundation of buildings.

Mr. WILLIAMS. Well, I mentioned that the shortage was also in the manufacturing industries.

Mr. RAKER. Of common labor?

Mr. WILLIAMS. Yes, sir.

Mr. RAKER. In what class, what kind of common labor in the industries? Just give their designations.

Mr. WILLIAMS. I don't know how to define common labor any better than the term itself.

Mr. RAKER. Well, there is quite a distinction. Now you folks have come here to ask consideration for 5,000,000 people coming to this United States as common laborers, and in your city you are, short now, you say, 500.

Mr. WILLIAMS. Of men who engage in the ordinary forms of manual labor requiring no particular skill, requiring physical strength and endurance, yard laborers, foundry laborers, helpers, men who move materials and pack it and store it—coal handlers.

Mr. RAKER. Drivers of wagons.

Mr. WILLIAMS. No.

Mr. RAKER. Drivers of automobiles?

Mr. WILLIAMS. No; they are a different class. They are chauffeurs.

Mr. RAKER. You say class—I do not know anything about a class. Where did you get that word "class"? Do you folks up in Stamford make a distinction and call a man a "class" if he drives a wagon, and do you put him in another class if he is out working on the street? Do you class him as men in classes, or do you fix them all as American citizens?

Mr. WILLIAMS. We are obliged to class them when we come to pay them, if the rates are different, are we not?

Mr. SIEGEL. We have got different classes in the immigration laws, like the difference between a maid and a servant.

The CHAIRMAN. Now let us drop that for a moment. We interrupted you in a statement you were making.

Mr. WILLIAMS. We simply want to urge, Mr. Chairman, that we believe that industry is entitled to relief in the present situation. This shortage of labor affects not merely those who have invested their money in industry but it affects those who are engaged in industry, the workers. A day or two ago the press carried the news that one large concern in Detroit had to drop 30,000 men because of inability to furnish them with the basic materials for the industry. Now if we are unable to meet the needs of industry in the field of common labor, so-called, then the skilled men and the semiskilled men, the machine operators, they are going to suffer, as well as those who have invested their capital in industry.

The CHAIRMAN. The point is here—it is a very serious situation, I will admit, but I can not get it out of my mind that so many employers of common labor want so much common labor on hand that they could practically have all three crews, one coming, one working, and the other just been fired.

Mr. RAKER. And another ready to get lower wages.

The CHAIRMAN. Now that is to depress wages.

Mr. WILLIAMS. Let me say this to you; that no one engaged in industry to-day, who has any brains at all, wants to fire a man.

The CHAIRMAN. I admit it, now.

Mr. WILLIAMS. There is no money in firing them, there never was any money in firing them.

The CHAIRMAN. Now look at this situation: Here it is only a short time ago that they began to admit, under an order this year, illiterate Mexicans into the United States to do agricultural labor.

Mr. WILLIAMS. Yes, sir.

The CHAIRMAN. And that is followed by dispatches such as this one, an Associated Press dispatch:

LAREDO, TEX., *March 19.*

Representatives of the San Antonio Chamber of Commerce met here to-day with men of the local chamber of commerce and military and other Federal and local authorities in a discussion of means for handling the enormous influx of Mexican laborers and their families into Texas.

The San Antonio representatives said that city was overrun with Mexican laborers who were penniless and without employment. The situation was characterized as "serious," and the best means of meeting the situation is being sought.

Now, you would say that this influx of Mexican labor under this lifting of the ban does not amount to anything.

Mr. WILLIAMS. Undoubtedly it means a great deal in that local community. I can understand that, but I do not think that that situation, however, affects the country at large, and it occurs to me that we have got to address ourselves to the consideration of this subject as it affects the country generally.

The CHAIRMAN. That is what we are trying to do. Now, take your very town of Stamford; you would have no objection to absorbing some of those Mexicans and families?

Mr. WILLIAMS. I don't know whether we have got any of them or not.

The CHAIRMAN. But, I say, you would not object to 500 Mexican laborers, would you, and their families coming to Stamford?

Mr. WILLIAMS. I don't know.

The CHAIRMAN. Are you a citizen of that town?

Mr. WILLIAMS. I am.

The CHAIRMAN. Would you object to them?

Mr. WILLIAMS. Mr. Chairman, let me answer it in this way: I have had no experience with Mexicans; I don't know anything at all about them and I don't know, therefore, whether I would or would not.

The CHAIRMAN. But you are willing to let labor come into this country to the point that you are willing to have the sewers of Europe scoured and poured into Stamford, Conn., yet you are in doubt about the Mexicans.

Mr. WILLIAMS. No, sir; I have not made that statement.

The CHAIRMAN. What is your position?

Mr. WILLIAMS. I don't think that because we asked to have the literacy test removed we are declaring ourselves in favor of scouring the sewers of Europe to get them.

The CHAIRMAN. Well, all right; say it is that way, then what is your objection to the Mexican labor?

Mr. WILLIAMS. I don't know that I have any objection.

The CHAIRMAN. You are not certain about it?

Mr. WILLIAMS. No, sir.

The CHAIRMAN. Would you have any objection to Japanese labor?

Mr. WILLIAMS. I really don't know whether we would or not.

Mr. BOX. I did not catch the name of the witness.

Mr. WILLIAMS. Williams.

Mr. BOX. You represent the Interracial Council?

Mr. WILLIAMS. No, sir.

Mr. BOX. You are not in any way connected with it?

Mr. WILLIAMS. I was chairman of the conference held in the city of New York, under the auspices of the council, but I am not connected with the council.

Mr. BOX. Do you know anything about its formation?

Mr. WILLIAMS. I do not.

Mr. BOX. Do you know anything about its membership?

Mr. WILLIAMS. I do not.

Mr. BOX. You do not know whether they have various classes of members?

Mr. WILLIAMS. I know nothing at all about the organization, sir.

Mr. BOX. Have you seen any of its literature?

Mr. WILLIAMS. Oh, yes.

Mr. BOX. Do you know what an industrial membership in that association means?

Mr. WILLIAMS. Well, I have an idea of what it means.

Mr. BOX. What is your judgment about that?

Mr. WILLIAMS. It means the membership of an industrial corporation, perhaps, or an individual who is engaged in industry. I am assuming that.

Mr. BOX. You heard the gentleman this morning—through my own fault I did not get back here in time to ask him one or two questions—you heard him state about the philanthropic purposes of the Interracial Council, the great line of work that they were undertaking, Americanization, and so forth, that is proposed by it. Now, I want to know what office these industrial members perform in that great philanthropic program. For instance—you have not seen the list of membership?

Mr. WILLIAMS. Yes, I have. But may I suggest, Mr. Chairman, in view of the fact that my time is very limited, that Dr. Shiels and Mr. Mayper, who are here and are familiar with those subjects, it will perhaps be better to propound the questions to them rather than to me.

Mr. BOX. I wanted to propound the question to you if you can answer it; if you can't, I won't press it.

Mr. WILLIAMS. I can't answer it.

Mr. BOX. You heard the gentleman state this morning that in his judgment—he stated as a matter of opinion—that in his judgment Europe, the enlightened part of it, that part of it that is left with any standing, I think he meant, would object to the leaving of their people because they needed them. You heard that?

Mr. WILLIAMS. Yes.

Mr. BOX. Do you think that is probably correct?

Mr. WILLIAMS. I dare say that it is true to a certain extent.

Mr. BOX. I think that is a pretty safe assumption. Now, if they object to the departure of any class, what class will they prefer to keep, the most desirable or the less desirable?

Mr. WILLIAMS. I should think they would prefer to keep the most desirable.

Mr. BOX. You know the history of the deportation of criminals, and how countries get rid of undesirable people, like England did when they settled Australia?

Mr. WILLIAMS. Yes, sir.

Mr. BOX. Now, if Europe is struggling to maintain its industries by keeping its best men, its best people, and yet it is to give us 20,000,000 at your request, how far will the chairman be wrong when he says we will get the scourgings of their sewers, if they are to

keep the best and we are to get in some way the kind that we are to get?

Mr. WILLIAMS. I can only answer in the words of Mr. Marshall this morning that if literacy is a test of character, then it would be perfectly sound to apply the literacy test. But it is not, and I think that every sane person will agree that it is not a test of character.

The CHAIRMAN. Now I understand—I don't want to cut you off, but you are trying to catch the 4 o'clock train.

Mr. WILLIAMS. Yes.

The CHAIRMAN. Then we will excuse you.

We will now hear Mr. Shiels.

STATEMENT OF MR. ALBERT SHIELS, NEW YORK CITY.

Mr. SHIELS. Mr. Chairman, I wish to explain very briefly, because some misunderstanding seems to have arisen here, that the request for this conference, so far as it represents a request, does not contain or refer to anything except the things covered by the resolutions that were adopted, a copy of which has been handed to you.

The CHAIRMAN. Let me explain to you now the reason for many of these questions. This is the first time we have seen these resolutions, but in the meantime the propaganda started, and not only members of this committee but Members of the House generally get letters which they quickly discover to be form letters, urging this appeal here—they come from Detroit and elsewhere—that we must have 4,000,000 or 5,000,000 laborers. So the committee feels that we would like to know what is the Interracial Council—why and how?

Mr. SHIELS. In order that time may be saved, and that you may get the complete information, I think, in the interest of a clear understanding and an exact statement, with all deference to the chairman, it might be wise if the questions were asked of the persons who really knew.

The CHAIRMAN. We would like to do that.

Mr. SHIELS. I want to say with reference to a long discussion on registration, however valuable that may have been, that it plays no part whatever in these resolutions. It is not referred to in any way. The resolutions aim to present a constructive policy on all the important aspects of the whole immigration problem, but say nothing as to registration.

Of necessity the thing which has been emphasized here most to-day is the very important question of admission. But with it must always be considered questions of assimilation, the matter of seeing that immigrants are financially protected, so far as it is possible for us to control conditions, and finally the question which has already been referred to, the question of naturalization.

Now, so far as the status of the protection of the savings of the immigrant is concerned, it will probably have to be provided for by State legislation. That leaves the three questions of admission which has been gone into over and over, and assimilation and naturalization. I suggest that if Mr. Mayper will take up the question of naturalization I shall discuss assimilation.

The question of assimilation, of course, to most of us is a question of teaching foreign-born people our language, and, at least, such elementary knowledge of civics and our institutions as will fit them

to become intelligent and patriotic residents and eventually good citizens. But that is not quite all there is to the question.

Mr. SIEGEL. Doctor, for the benefit of the committee and those who will read the record afterwards, just state your experience, showing your qualifications for discussing the matter.

Mr. SHIELS. I was one of the district superintendents of schools in the city of New York, and then became director of evening school instruction, which is that branch of the Department of Education which has to do with the education of the foreign-born adults. Then I became director of the division of educational research; then I was invited by the city of Los Angeles to become superintendent of schools of that city. I was superintendent of schools in Los Angeles for a period somewhat in excess of three years; then I requested to be relieved and came east.

Mr. SIEGEL. And you taught school, I believe, for how many years before that?

Mr. SHIELS. Since 1890.

Mr. SIEGEL. In New York City.

Mr. SHIELS. Yes, in New York until 1916.

Now to go back to the question of assimilation, which if there is any value in a discussion of immigration at all must always be considered—no matter whether you raise the bars or lower them, or whether the immigrant be literate or illiterate. Unless you adopt legislation looking to the assimilation of the immigrant, you cover only half the story, and perhaps the less important half.

In these resolutions it was suggested that because of the various departments of government which touched the immigrant in his life,—the Department of State, the Department of the Treasury, and as we all know, the Department of the Interior, and the Department of Labor; and because further of the very small lack of coordination at times and the division of activities which must of necessity occur when you deal with one problem through so many departments, it would be desirable to have a Board made up of representatives of these departments and such other persons as might be appointed. Its functions would be, first, an adequate collation of information to be presented to the immigrant when he is admitted, informing him of the opportunities of employment, the rates of wages and the places where such employment is available for him.

The CHAIRMAN. When you speak of "resolutions", you are speaking of the printed set of resolutions, and not of the so-called Americanization bill of The Interracial Council which has been sent here?

Mr. SHIELS. I am speaking of the resolutions.

The CHAIRMAN. And Miss Kellor's bill, which is apparently similar to the bill of the department.

Mr. SHIELS. No, Mr. Chairman, my business is to speak for these resolutions as adopted by the National Conference.

The CHAIRMAN. But they have sent out a proposed bill providing for this department, which you are just about to outline.

That is doubtless the case. Now information and guidance would not be the only functions of this board. It would be concerned with education. Also it would coordinate the work of the various departments to which I have made reference, and it would cooperate with the, shall I say, thousands or more agencies that claim to, or assume to, or affect to deal with the immigrant and his welfare. The pro-

posal for a board is based on the theory that no matter how many different departments are concerned with immigration, the human being concerned—that is, the immigrant—is the object of many rules, regulations, or requirements from different agencies. Whether you adopt registration, or do not adopt registration, it is very much better that there should be some centralized body to follow up the immigrant, to deal with him, to protect him when protection is a proper function of the Government, to insist on such care as is necessary in order to guarantee that he really measures up to the standards demanded.

Another thing I should like to explain is how this national conference on immigration came about. It is a fact—because the lady who has been referred to as Miss Kellor took the matter up with me—it is a fact that this conference was called by The Inter-racial Council—

Mr. BOX (interposing). Your resolution says, "Held under their auspices."

Mr. SHIELDS. Correct. Now I am going to tell you precisely what "auspices" means. All kinds of people were invited. Questionnaires were sent out in advance containing all sorts of questions about immigration, so as to get something together in one document that would not be of intolerable length and that would omit purely individual opinions. These resolutions, when finally compiled, represented on the whole what seemed to be the consensus of opinion. When that meeting was held, I made arrangements for a morning session and an afternoon session. I requested a former president of the Board of Education to be chairman in the morning, and Mr. John Williams, whom I had heard had been in industry and in labor, to be chairman of the afternoon session.

Mr. SIEGEL. Who presided in the morning?

Mr. SHIELDS. Mr. Arthur S. Somers. If the chairman will permit, I should like to send to each member of this committee a verbatim copy of the proceedings of that conference—what everybody said there. As these proceedings are too lengthy to incorporate in the record, I shall endeavor to prepare a summary of those proceedings, as well as to send a copy of the proceedings themselves.

The CHAIRMAN. We will be glad to have it.

Mr. SHIELDS. The morning meeting was devoted to addresses from eminent authorities on the various aspects of immigration. The afternoon session was given to a discussion of the resolutions themselves. It was then that I stated that, although the Interracial Council had called this conference, yet from that moment the members present were in complete charge of the proceedings. The copy of the proceedings will give you the names of all the people who accepted.

The CHAIRMAN. We will be glad to have it.

Mr. SHIELDS. At that conference, after some discussion, changes were made in the original resolutions, and eventually they were approved in the form in which they are now before you.

May I say a word as to possible misunderstanding of a matter that was taken up this morning? So far as I know there never has been in this country any attitude of antagonism to the alien-born child on the part of the public schools. He has always been treated precisely as would a native-born child. It is a fact that there are alien children who are not attending school, just as it is a fact that

there are unfortunately some native-born children who are not attending school, but that does not show any prejudice on the part of any community so far as those children are concerned.

Mr. SIEGEL. As a matter of fact, Doctor, the enforcement of the compulsory school attendance law in New York City is as perfect as can be had isn't it?

Mr. SHIELDS. In my opinion I would grade it very high. When you are dealing with a population of seven or eight million, children drop in and drop out. But the standard of attendance is high. There has been a very marked development in our country for the last two years toward the adoption of legislation requiring compulsory school attendance of non-English speaking minors, in which legislation Massachusetts was a pioneer. I think that may have been the cause, perhaps, of the misunderstanding of this morning. It is true that we have not reached the point where all non-English speaking persons under 21 are attending school, because the enforcement of the law involves a considerable expenditure. Moreover, a new organization has to be created for people under 21 and above the compulsory age for children. That can not be done in a day. It requires in itself a process of education. May I say that we all believe in education; sometimes we believe in it so enthusiastically that we make laws favoring it and forget to make appropriations by which the laws may be carried out.

Now, if there are any questions on assimilation that I can answer, I will be very glad to be at the service of the committee.

The CHAIRMAN. Have you given any thought to any plan by which the United States Government could distribute immigrants?

Mr. SHIELDS. In my opinion, Mr. Chairman, it will have to be done through an intelligent process of discussion either with the immigrant or with his representative, and distribution of information obtained from various parts of the country, and very complete as to content.

The CHAIRMAN. Now, let us look at one of the difficulties right off the bat. Here is a witness just ahead of you that thought common labor in Stamford received, we will say, \$4.50 a day, and 50 miles from there it was getting \$6 a day, and in Idaho they might be clamoring for it at \$8 a day; now your immigrants come in; Stamford wants its quota at its price; Idaho wants its quota, and do you propose some method of distribution under Federal supervision?

Mr. SHIELDS. The word "distribution" is very apt here to be subject to misunderstanding.

The CHAIRMAN. I think so.

Mr. SHIELDS. If it means that we take a man and say to him, "You must go to Stamford," or "You must go to Montana," or "You must go to New York," we can not do it.

Mr. SIEGEL. That was the underlying thought of some of the questions asked here this morning.

The CHAIRMAN. And what is more, once you placed a man voluntarily or assisted him, we will say, to get into the beet-sugar industry in Idaho, and he learned that he could go on to the Pacific coast and get more money, he would be very apt to go.

Now, one plan has been suggested here, that we place the entire matter of immigration and naturalization and citizenship in the State Department—and passports.

Mr. SHIELS. As to the question of determining the right of an applicant in his own country, or at the European port of debarkation, to enter the United States, I think that it is unwise to intrust the right of final decision with an officer abroad. The thing I believe it would be wise to do would be to make it the duty of a consul, after having made the investigation concerning the applicant's fitness, to notify the home office of his findings. If necessary, he could say to the intending immigrant, "I am going to notify the home office that in my opinion you are not a fit person, under the laws of the United States, for entry." Now, if that were done and the consul would notify, let us say, Ellis Island, then when this man turned up there is no question but what his record and qualifications would be gone through with a fine comb, in view of that report. On the other hand, it is a fact that even though the steamship companies do have something at stake because they may incur the penalty of returning the unfit, yet sometimes they take the chance of accepting them. Now, it is a most unfortunate thing if a man does come here that he has to be sent back; it is to be deprecated and avoided. However, if he is warned, then he assumes the risk; but he should not suffer because of unavoidable ignorance.

The CHAIRMAN. It creates great distress, and of course is to be avoided if possible.

Mr. SHIELS. With the possible exception of the provision concerning literacy, and without assuming what the committee's judgment may be as to the proposed board of assimilation, I am rather inclined to think that the committee would be in hearty agreement with these resolutions.

The CHAIRMAN. Now, of course, the statement is made over and over again, and it never can be combated, that the enactment of a literacy test does not keep out undesirables, but you know that the literacy test became a law as the result of a long agitation and protest and what was thought to be excessive immigration—that is beyond the ability to assimilate—which had reached a large figure in 1913, and then came the war and took it off. Now, we have been six years with little immigration; we have gone through a war and have gotten our industries all out of kilter, our population out of kilter, congested in the cities more than ever before, and now is the sudden desire to let immigration pour in by striking down the literacy test, which is the only real thing that holds out any number of people.

Mr. SHIELS. Mr. Chairman, the literacy test would be undoubtedly an index of inferiority applied to certain nations. If a man came from Great Britain or France and could not read or write, it would be a fair presumption that that man had been very indifferent to opportunity. There are countries concerning which literacy is an index of intelligence; but if, on the other hand, there be countries in which he never had a chance to attend a school because no schools were provided for him, such a man might yet be a very clever man, even though he might not be able to read and write. Illiteracy varies greatly in European countries; for example, nearly 70 per cent in Portugal and Russia, and less than 1 per cent in Sweden or Switzerland, and in France something less than 15 per cent.

Mr. SIEGEL. Doctor, is it 14 per cent?

Mr. SHIELS. In France? Almost—for children, but the figures for army records are less than 5 per cent.

Mr. SIEGEL. In Great Britain?

Mr. SHIELDS. No; it is lower in Great Britain, where it varies from a little less than 2 per cent to 8 per cent. Italy as a whole, with a much higher proportionate ratio in the south, would be about 37. Russia is very high, about 68.

Mr. SIEGEL. Russia is 83, about.

Mr. SHIELDS. Here again arises the old question of statistics. The 1897 figures showed Russia had 69 per cent illiterate. Statistics are beautiful things, but they do not always agree.

The CHAIRMAN. Now, Doctor, I want to ask you just as seriously as can be, do you really join the manufacturers of the country in their demand for an immense amount of common labor to come into the country instantler, as quick as we can bring it?

Mr. SHIELDS. Mr. Chairman, my judgment on industrial matters, as a matter of personal experience, is scarcely worth quoting. I am not an industrial expert, nor an employer, nevertheless, because I have read so many of the answers to these questionnaires, because I accept the statements made in response to them, I do believe there is an enormous dearth of unskilled labor in the country to-day. It is said that we can get it if we pay enough for it. I don't know about that. I do not think myself, although I dislike to indulge in general statements, that skilled laborers, or our native born people, even if not skilled, are disposed to engage in the hard rough work we call unskilled labor—digging and hauling and pulling.

Now the real question is—is unskilled labor needed? Not—is it needed to make money for somebody, but is it absolutely needed for the welfare of the country? Then the next question is: If so, how many unskilled workers are needed? I judge from those questionnaires and the statements of those answering them, that there is a very real need. When you come to the question of how many, Mr. Chairman, frankness compels this answer: There are no exact statistics available, unless indeed this committee is willing to send out a nation-wide questionnaire to a sufficient number of concerns in whom it has confidence, and learn the facts from such an investigation. The only way of making an estimate, other than the acceptance of the statements I have referred to, would be to make a comparison of immigration figures for two different periods and then an examination of reduction or increase in hours of labor. If you assume that at the time the larger number of immigrants were entering, the volume of immigration represented the actual needs of the country, and then contrast these figures with the number arriving in subsequent years, which, because of war was much less than the normal rate, then the difference multiplied by the number of years when war intervened, that is, 1915 to 1919, would represent the shortage. Now anyone is privileged to refuse to accept conclusions from such figures, but if one admits the propriety of the method, then one must admit the accuracy of the result.

Then the second factor which must be considered is a general assumption, based on changes that have taken place in the hours of industry. Let us take this example: If it can be shown of a number of people that for a certain number of hours per day production has been stopped, either we must assume that the workers can do the same amount of work in less time under normal conditions, or that the

reduction in the length of the working-day is attended by a corresponding reduction in the amount of production; and if reduced production be admitted, that is equivalent to another shortage of labor if there are no additional workers available to make it up.

But two intelligent and honest men can consider statistics of this kind and they will disagree; they will even apply outrageous epithets to one another, although each of them be perfectly sincere and positive. It depends altogether upon whether you are willing to accept the evidence of business men and follow the conclusions derived from a greatly reduced immigration, a reduction in hours of labor, and an acknowledged increased demand for production. On the one standing fact that there is a shortage of unskilled labor, Mr. Chairman, I have any amount of testimony. Whether you believe it or not depends on whether you accept the data.

The CHAIRMAN. Now, you have lived on the Pacific coast. Have you thought that there should be any influx of oriental labor to those coast States?

Mr. SHIELS. Now, you know I am from California, Mr. Chairman, and Californians have a decided opinion on that subject.

The CHAIRMAN. Well, then let us put it another way, and just as frankly as you can, state the answer.

Mr. SHIELS. I do not favor coolie labor.

The CHAIRMAN. No; I see that; but in your opinion now as an American citizen, is an influx of labor from the Constantinople area likely to damage the Eastern States?

Mr. SHIELS. I would put my answer in general terms. One must assume a certain level of possible assimilation or amalgamation. If after investigation it should be proven of a given group that it could not be assimilated—and we have never proved that of Europeans up to this time—then, certainly, it makes an undesirable group altogether and should be limited, whether it were a nation or race.

The CHAIRMAN. But you can't do that.

Mr. SHIELS. I realize the difficulties.

The CHAIRMAN. You can't do that under the treaty.

Mr. SHIELS. I know.

The CHAIRMAN. Now, here is a thing that comes up before this committee over and over again, that the class of immigration coming into the United States in the last 30 years is continually, if we dare use the term, a little lower in the scale. Following your world flow of immigration, the water-level argument, in course of time the United States will find itself, the general people, living at a poorer scale than they thought they would, and that probably accounts for the fact that so many people who are descendants of immigrants themselves favor keeping out the immigrants.

Mr. SHIELS. It is very difficult, Mr. Chairman, to make that statement to-day, in view of our past experience and present condition. I think that in our antagonism to people who differ from us in language or race or habit, we have been victims of prejudice. It is a prejudice that always existed as against every successive wave of immigration of very poor people who come here to do manual labor. Just now, the prejudice is against southern and southeastern Europe because the people from those regions are the latest arrivals.

Mr. Box. That is where you will have to go, and that is where you hope to go by removing the literacy test.

Mr. SHIELDS. I do not hope anything, but that is where you and I shall have to go, because that is where the unskilled immigrant laborer must come from. You don't expect Irish immigration, unless something unforeseen happens. I don't suppose you are thinking of German immigration. You will probably not have English or Scotch immigration, you have not been getting Scandinavians, and you never had immigration from France or Spain to amount to anything.

The CHAIRMAN. One of the very things troubling this committee now is the fact that there is supposed to be considerable German and Austrian immigration. Now the prejudices, the very thing you are talking about, should die out, and here our people are perfectly willing to contribute money and food to the congested population of Austria, crowded into Vienna, but are we willing to bring a couple of million of them over here?

Mr. SHIELDS. Now, here is the answer, Mr. Chairman. We are giving away money to provide food to people over there who are not working because work and food are lacking, yet we can not spend the money for the same people in exchange for their labor, even though we need that labor for production. Now let us consider this South European immigration a moment. The Italian immigration is a most desirable type and it comes and goes as it is needed. That is my honest opinion. I have watched it in New York. Also I have watched the Russian immigration up to three years ago. It has been an excellent type. The orthodox Russian Jew, for example, is a conservative, industrious person. To-day the leaders of that group stand high, very high, in industrial, civic, and philanthropic circles. I am convinced that because of the difference in language and dress of the first arrivals—which are much more marked, let us say, than the difference in language and dress of an English farm worker, we become suspicious because they are so strange to us. It is an old story, as old as the world, this suspicion of the immigrant. I frankly am an optimist on immigration, and have been for years, because these people and their native-born children are necessary for our development just as immigrant labor always has been necessary in doing the hard, rough work without which even skilled labor would have nothing to do.

The CHAIRMAN. You don't care whether they come from Russia, Turkey, or India?

Mr. SHIELDS. I do care a great deal. Immigration and its results should be determined by examination of facts, not by presuppositions. I question India very seriously. Concerning Turkey—unless it belies its reputation—I never had the opportunity of meeting any people from there—I would have a very definitely suspended judgment. Besides if, as affirmed, Turkey is a polygamous nation—which means that some are polygamists—probably they ought not to be admissible under our laws. If we really followed the law, and insisted on a due regard for the 18 or 20 qualifications that we are supposed to require of a man before—

The CHAIRMAN (interposing). Which are passed on at the rate of one immigrant every half minute.

Mr. SHIELS. Yes; that is the worst thing about it; the law is not observed. If we executed the law properly, things would be different; also we should discover there are many in our native born communities that would be thrown out on those standards, and I am not referring to mental obliquity.

Mr. BOX. They are here by right.

Mr. SHIELS. Certainly, but the fact remains. I say that the real trouble is that we are not watching the front door because we are not willing to spend the money on a sufficient number of officials who would have time to do this work properly. You take those standards and read them carefully, as the members of this committee have over and over again, and if they really were followed, you would get a pretty fine selection of people.

The CHAIRMAN. We agree with you, but here we are; they are in, and when they show open evidence of disbelief in this Government and a desire to overthrow the Government, we have difficulty in getting them out, the greatest kind of difficulty, and the minute anything is started, anything that leads to deportation or tends to it, it is followed by a hue and cry over the country that we are engaged in repression, banishment, or oppression.

Mr. SHIELS. We have always had deportations, and I hope we shall always have deportation of people who deserve it. The only thing that I think is wise is to remember that the matter of evidence should be open to the usual precautions that you have in any court. I don't mean that anarchists and their kind should profit by technical evasions, but that we be sure of evidence, which is a good American principle. Once the evidence were established, the guilty ones have no business here; there is no question about that. Objection to deporting those who want to use force against us is false sentimentality. I don't think Congress should give such objections attention.

Mr. SIEGEL. In other words, Doctor, you seem to think that publicity as to the testimony itself would have the desired effect.

Mr. SHIELS. I don't know that we need to rush to the newspapers with it. I mean that there should be nothing in our methods that afford grounds for charging injustice.

Mr. SIEGEL. You mean that the hearings should be open to the public?

Mr. SHIELS. Yes.

Mr. VAILE. I think what the doctor means is that not only should the hearings be public, but the accused should have an opportunity to be confronted by the witnesses against him; he should have compulsory process for witnesses in his own behalf, to be represented by counsel, to have the right of cross-examination, to be protected by the rules of exclusion, which would prevent the giving of hearsay evidence, and so forth, and in general the protection which the law throws around evidence given in civil or criminal courts.

Mr. SHIELS. Yes; people must be punished on evidence. Once it is determined by competent authority that the man is guilty of anything tending to destroy this Government of ours, whose protection he has been enjoying, I haven't met any level-headed person who doesn't say, "Throw him out."

The CHAIRMAN. I will take you down here and introduce you to some men in the Government service that think the other way.

Mr. SHIELS. One other thing; some one brought up the question this morning of the economic situation. So far as I have talked with the members of this conference, the first thing that counts, in their opinion, is the social consideration; second, the economic. That is my belief, and I am of opinion it is the belief of those who attended the conference. The social welfare of the country and the maintenance of its institutions must be the first consideration.

Mr. BOX. May I ask a question? Now, you say that the first consideration is the social welfare of the country?

Mr. SHIELS. Yes; that is so.

Mr. BOX. I take it that you would not be here as the representative of any group, not knowing who they are or what the general purpose is behind it? You would not be here before this congressional committee urging anything unless you knew the motives behind it?

Mr. SHIELS. Why, Mr. Chairman, I might qualify that in the sense that a Congressman would not be here to represent a district unless he knew the motives of everybody in the district. I know what the resolutions contain, but I don't know the motives of those who voted for them. Only God knows that.

Mr. BOX. Well, I understand that you come here to present a request.

Mr. SHIELS. No; to present these resolutions passed by this national conference.

Mr. BOX. Called under the auspices of this other organization, and you knew that?

Mr. SHIELS. I knew it thoroughly.

Mr. BOX. And therefore you knew that they were the moving power behind it?

Mr. SHIELS. No; I don't know that.

Mr. BOX. Well, who sent out the questionnaires?

Mr. SHIELS. I sent them out.

Mr. BOX. Did you do it at the instance of the Interracial Council? How came it ever to be said that it was under the auspices of the Interracial Council? Who hatched it?

Mr. SHIELS. It was under the auspices of the Interracial Council for the very good reason that the Interracial Council paid for printing the resolutions and paid the postage for sending the questionnaires out.

Mr. BOX. I see from the list here that they were able to pay for it.

Mr. SHIELS. I have seen the list you hold in your hand, but I have never read the names.

Mr. BOX. You know that the Standard Oil Co. of New Jersey is one of them?

Mr. SHIELS. I know it now since you told me.

Mr. BOX. You know that Swift & Co. are one of them?

Mr. SHIELS. I will admit any names that you mention.

Mr. BOX. Armour & Co.—you know that several hundred of the biggest corporations in the country are on here, if you look at the list. I am a little surprised to find that you don't know this list of people.

Mr. SHIELS. I regret your surprise, but I must repeat the fact just the same.

Mr. BOX. Well, what do you think about being here indorsing a movement originated by men whose identity you did not know?

Mr. SHIELDS. I have no sense of guilt, which your query seems to imply; furthermore, I may add that I am quite sure neither Swift nor Armour knew those questionnaires went out. I don't think they knew a thing about it until they got the resolutions, unless they had a representative at the conference.

Mr. BOX. Do you know how they came to be industrial members?

Mr. SHIELDS. No.

Mr. BOX. They are not in the habit of throwing their money away in doing idle things, are they?

Mr. SHIELDS. I trust not, for the sake of their stockholders.

The CHAIRMAN. They may now, in order to evade the excess profits tax.

Mr. BOX. But you think maybe this is a place where they tried to put some excess profits.

Mr. SHIELDS. Why, Mr. Chairman, I have no opinion, because I have no knowledge. I think these are questions—these are obviously questions, which, so far as they deal with facts, should be answered by a reference to facts. If there is any definite information you desire, I shall be delighted to request on my return to New York to direct that it be furnished to the committee.

Mr. BOX. Now, don't you think that the members of this committee have a right to know what is really behind this request that you gentlemen are making? Don't you think that if we do our work intelligently we must know?

Mr. SHIELDS. I think the committee should know everything about it.

Mr. BOX. Then why do you object when I ask you—or seem to object—when I ask you if some of these various concerns are identified with it. You seem to object to that.

Mr. SHIELDS. No, Mr. Chairman, I regret that the gentleman should have received such an impression.

Mr. BOX. Well, I will withdraw it if I unfairly stated it. I had so understood it. But you do say that if these concerns have been behind this movement and prompted it, you did not know it? Didn't you say that?

Mr. SHIELDS. You refer to this conference on immigration, or the Interracial Council?

Mr. BOX. Yes, and the Interracial Council, under whose auspices it was held.

Mr. SHIELDS. I will state very definitely from my own knowledge that the preparation of the material and the arrangement for the conference, excepting the mailing lists, was entirely within my own knowledge and control, and not in the control of any of these persons.

Mr. BOX. How came you to fix it? Who suggested it to you?

Mr. SHIELDS. The vice chairman asked me if I would get up a conference, a national conference on immigration, and I said I would be delighted to do so.

Mr. BOX. The vice chairman of this organization?

Mr. SHIELDS. Yes, sir.

Mr. BOX. Of the Interracial Council?

Mr. SHIELDS. Yes, sir.

Mr. BOX. And you didn't know who the members behind it were?

Mr. SHIELDS. I knew who the lady was that asked me.

Mr. BOX. You knew the lady in the office having charge of the details?

Mr. SHIELS. No; Miss Frances Kellor is not in charge of details.

Mr. BOX. I mean doing the local work?

Mr. SHIELS. The vice chairman of the council.

Mr. BOX. But you knew there were other influences or forces or groups, whether you choose to call them, behind that, didn't you?

Mr. SHIELS. I didn't doubt there were other persons in the council, though I didn't think of it specially.

Mr. BOX. And you didn't think of it when you took up this movement?

Mr. SHIELS. So I have stated. I was interested in something that was of very deep interest to me, immigration.

Mr. BOX. You didn't inquire where the funds were coming from?

Mr. SHIELS. I knew they came from The Interracial Council.

Mr. BOX. You didn't know where The Interracial Council got them?

Mr. SHIELS. I have so stated.

Mr. BOX. And you didn't look to see who their membership was, in an effort to find out where it got them?

Mr. SHIELS. No; I did not. I assumed they had members, but I have never known the names of members on the list until you brought it up.

Mr. BOX. And in embarking on this work you didn't make any effort to see who was furnishing the money to pay for the work?

Mr. SHIELS. Absolutely not. I have confidence in the lady who asked me to take it up.

Mr. BOX. You do everything that a lady asks you to do, without inquiry?

Mr. SHIELS. Or a man either, if I have complete confidence in him.

Mr. SIEGEL. Doctor, for the information of the committee, would you just tell us what Miss Kellor's work has been during the past dozen years or so?

Mr. SHIELS. Although I am going to ask Mr. Mayper, the executive secretary, to answer in detail, I shall tell you what I know.

Mr. SIEGEL. The reason I am asking is that questions come up any number of times about Miss Kellor.

Mr. SHIELS. I met Miss Frances Kellor when I was in charge of the evening schools of the city of New York, and was very much impressed at that time by her interest in the question of immigration, and by what I thought was her intelligent understanding of the problems involved. I met her a second time at a conference in Philadelphia, I should judge five or six years ago, on the same subject of immigration and the welfare of the immigrant. I have read frequently articles by Miss Kellor on immigration. I have friends who know Miss Kellor, and in whose judgment also I have confidence, but as to the exact technical history of Miss Kellor from year to year, that information is available from other sources.

The CHAIRMAN. You understand the committee is not criticising Miss Kellor. We know her to be not only a brilliant woman but a very forceful woman.

Mr. SHIELS. I have a very high regard for her myself.

The CHAIRMAN. But here is a program aiming——

Mr. SHIELS (interposing). This is not Miss Kellor's program. It is the program of the Conference on Immigration.

The CHAIRMAN. No; but here is a national conference program, a conference being the result of the activities of The Interracial Council, a very high program divided into four parts, and here is the literature of The Interracial Council running right along following that, and then here comes admissions by yourself and others that the immigration problem and the placing of the immigrants, etc., are more or less impracticable.

Mr. SHIELDS. I said difficult.

The CHAIRMAN. Difficult; it takes time to solve them.

Mr. SHIELDS. Certainly.

The CHAIRMAN. So, running right along behind these ideas with the difficult problems, here is all this literature driving full tilt for this 5,000,000 laborers, immediately.

Mr. SHIELDS. That is your statement, Mr. Chairman.

Mr. BOX. Isn't that the very thing you are asking for, too? You are asking for 5,000,000 laborers. In other words, isn't there an identity of your demands there?

Mr. SHIELDS. Well, as to 5,000,000, I think I referred to that. May I say that there is a considerable difference between affirming a shortage, as the resolutions do, and asking that a corresponding number be admitted. As a matter of fact, it will be a physical impossibility to bring in more than a seventh of that number in a year's time. There isn't the cargo space. I think, however, there should be presented to this committee a statement, whatever the number is, which the Interracial Council believes is the number of unskilled laborers needed in this country. I think that should be placed in the record.

The CHAIRMAN. We will get that. We have asked for it. We wrote to the executive secretary inviting her to come to this hearing. She did not come but the committee came.

Now, the problem that confronts this committee is this, that if the literacy test was dropped and the head tax reduced, and this word went abroad, it is known now that many are seeking passports to come, large numbers, and we might be confronted here with a large number of laborers and their families, many of them assisted by foreign governments, as many of them are now being assisted, to come to the United States, the assistance being in the nature of a war bonus, and we might find ourselves here confronted with a very large number of newcomers to drop into the cities where already they can not house the present inhabitants, and thus add to the distress, to the unrest, to the radicalism, and to things that are not settled easily. That is the problem.

Mr. SHIELDS. Now, Mr. Chairman, the matter of admission of course I have not ventured to speak upon; not because I would not be willing to, but I do not think that what I would have to say would add anything new.

Now I wish to summarize. On the question of assimilation the facts are these: There is a great deal of lack of coordination—that has been my experience—respecting immigration. It is very desirable that that be remedied. A proposition is made in these resolutions to remedy it. That proposition, doubtless, will receive the careful consideration of this committee.

I think there is abundant evidence to show the desirability of also considering carefully the question of naturalization. But there are

two things that I should like to add. The first is this: That this whole immigration problem, no matter what your point of view is, or how you consider it, because we must first of all think of its relation to ourselves, should not be considered with special reference to one phase of it. We should be taking proper measures to promote a solution of the whole problem from every point of view, to draw up a complete and comprehensive type of legislation that will consider the subject as it may affect the best interests of the whole country and all the people, not as it may affect one phase or another phase, or one group or another.

And there is one thing which I have not yet mentioned, which I think it absolutely necessary for you to have in mind. I think it is desirable to organize some scheme by which the foreign-born groups may themselves be conscious, either as aliens or as prospective citizens, of their relation to this country, of the necessity of presenting to our people what they have to give, of setting themselves right, at this time of suspicion and hatred, as to how they stand—not merely politically, or economically, but socially as well. It goes without saying that they ought to be loyal to the Government. That is a thing that we have the right to demand. I believe they are loyal. We have disloyal foreign-born people, and also disloyal native born as well, but they are not characteristic types. To the end that our people may come to understand these other people from Europe better—and that they in turn may understand us better—I have, since the organization of the conference, undertaken to deal with the various racial groups. Therefore I have become more closely associated with the Interracial Council, and am now one of its vice-presidents, I want you gentlemen to know that.

MR. VAILE. I want to ask you a question about the machinery of the Interracial Council. I notice that it has offices at 120 Broadway, New York.

MR. SHIELDS. Yes.

MR. VAILE. Is that a series of offices, with stenographers and clerks?

MR. SHIELDS. It has two offices; it has offices at 120 Broadway, and it has several offices in the Woolworth Building.

MR. SIEGEL. The Woolworth Building is 223 Broadway.

MR. SHIELDS. The Council's mailing office is at 120 Broadway.

MR. VAILE. About how many employees has the Interracial Council?

MR. SHIELDS. That would be only a guess on my part. You can get accurate information on that in a few moments from the secretary.

THE CHAIRMAN. We are very much obliged to you for your time and the patience that you have shown here, Dr. Shields.

STATEMENT OF MR. JOSEPH MAYPER, EXECUTIVE SECRETARY, THE INTERRACIAL COUNCIL, NEW YORK CITY.

MR. SIEGEL. Mr. Mayper, please state for the record your full name, your occupation, and your street address.

MR. MAYPER. My name is Joseph Mayper, I am executive secretary of the Interracial Council, address 120 Broadway, New York City.

MR. SIEGEL. Where do you reside?

MR. MAYPER. No. 203 East One hundred and seventy-fifth Street, New York City.

Mr. SIEGEL. How long have you been executive secretary of the Interracial Council?

Mr. MAYPER. For sive or six months; and prior to that time, since its organization, as industrial manager in charge of industrial work.

Mr. SIEGEL. How long has the Interracial Council been in existence?

Mr. MAYPER. A little over a year; since March, 1919.

Mr. SIEGEL. Have you been with it since its organization?

Mr. MAYPER. Since its organization.

Mr. SIEGEL. Will you tell us who is the treasurer?

Mr. MAYPER. A. J. Hemphill.

Mr. SIEGEL. Is that the same Mr. Hemphill who had charge of the work during the war in New York, generally?

Mr. MAYPER. Yes; he was the treasurer of the National Americanization Committee; he is also the treasurer of the Belgian Relief Commission and of numerous organizations of a philanthropic and charitable nature.

Mr. SIEGEL. That is what I thought; that is the same man. Go ahead and make your statement in your own way. Have you a list here of the members of the Interracial Council?

Mr. MAYPER. The names of most of our industrial members are on our letterhead. We also have representatives of practically all the races in America on our racial conference committees.

Mr. BOX. That is only a partial list.

Mr. SIEGEL. Will you furnish the committee with a full list of the members of the Interracial Council?

The CHAIRMAN. The record of this hearing will be sent to you and you can insert it.

Mr. MAYPER. Yes, sir.

(The list of members referred to is as follows:)

List of members of the Interracial Council, 120 Broadway, New York.

Name.	Address.	Memberships.
Aberfoyle Manufacturing Co.	Chester, Pa.	Subscribing.
Acheson Corporation	New York City	Do.
Aberthaw Construction Co.	Boston, Mass.	Do.
Acheson-Harden Co.	Passaic, N. J.	Do.
Acme Shear Co.	Bridgeport, Conn.	Do.
*Rev. B. E. Adams.	New Britain, Conn.	Racial.
Aeolian Weber Piano & Pianola Co.	New York City	Subscribing.
Aetna Mills.	Worcester, Mass.	Do.
Albee, E. F.	New York City	Do.
Aldred & Co.	do.	Do.
*Right Rev. Bishop.	do.	Racial.
Dr. Alexander J. Alexion.	do.	Do.
Allegheny Steel Co.	Pittsburgh, Pa.	Subscribing.
*A. S. Ambrose.	New York City	Racial.
Vincent W. Ambrose.	Newark, N. J.	Do.
American Agricultural.	New York City	Subscribing.
American Bank Note Co.	do.	Do.
American Beet Sugar Co.	do.	Do.
American Brass Co.	Waterbury, Conn.	Do.
American Cyanamid Co.	New York City	Do.
American Dyewood Co.	do.	Do.
American Glue Co.	Boston, Mass.	Do.
American Laundry Machine Co.	Cincinnati, Ohio.	Do.
American Linoleum Manufacturing Co.	New York City	Do.
American Locomotive Co.	do.	Do.
American Screw Co.	Providence, R. I.	Do.
American Standard Metals Corporation.	New York City	Do.
American Surety Co. of New York.	do.	Do.
American Thermos Bottle Co.	do.	Do.
American Thread Co.	do.	Do.
American Trust Co.	Boston, Mass.	Do.
American Type Founders Co.	Jersey City, N. J.	Do.
American Wholesale Corporation.	Baltimore, Md.	Do.
American Woolen Co.	Boston, Mass.	Do.

List of members of the Interracial Council, 120 Broadway, New York—Continued.

Name.	Address.	Memberships.
*Gustav Amlund	Canton, S. Dak.	Racial.
*N. Ananikian	New York City	Do.
Dr. Gustav A. Andreen	Rock Island, Ill.	Do.
*Boris Anisfeld	New York City	Do.
*J. A. Antell	Brooklyn, N. Y.	Do.
*Victor Anttila	Waukegan, Ill.	Do.
*Dr. H. Arcetowski	New York City	Do.
*P. N. Aristarkhov	Philadelphia, Pa.	Do.
Aristo Hosiery Co.	New York City	Subscribing.
Armour & Co.	Chicago, Ill.	Do.
Armstrong Cork Co.	Pittsburgh, Pa.	Do.
*John Aspegren	New York City	Racial.
Anton H. Asplund	do.	Do.
Mrs. Vincent Astor	do.	Individual.
Astor Hotel	do.	Subscribing.
Edwin F. Atkins	Boston, Mass.	Do.
Atlantic, Gulf & Pacific Co.	New York City	Do.
Atlantic Refining Co.	Philadelphia, Pa.	Do.
F. B. Atteaux & Co.	Boston, Mass.	Do.
*Atlas Powder Co.	Philadelphia, Pa.	Do.
Atlas Castor Oil Co.	New York City	Do.
Samuel M. Auerbach	do.	Racial.
*Gen. M. N. Azgabedian	do.	Do.
*Docteur Baekland	Yonkers, N. Y.	Do.
Earl D. Babst	New York City	Individual.
Baker Castor Oil Co.	do.	Subscribing.
Baldwin, William M.	do.	Racial.
Baltimore Bargain House	Baltimore, Md.	Subscribing.
Baltimore Tube Co.	do.	Do.
Victor Bancke	Brooklyn, N. Y.	Racial.
*Dr. Henry Baracs	Cleveland, Ohio	Do.
*Dr. Oskar Barandy	South Bend, Ind.	Do.
Judge B. P. Barasa	Chicago, Ill.	Do.
Barber Steamship Lines	New York City	Subscribing.
*Dr. N. Barbour	Brooklyn, N. Y.	Racial.
Bertalan Barna	New York City	Do.
Julius H. Barnes	do.	Subscribing.
Barnsdall Corporation	do.	Do.
*Karl Baron	Chicago, Ill.	Racial.
*Arpad Baroti	do.	Do.
William H. Barr	Buffalo, N. Y.	Individual.
Vladimir N. Bashkistroff	New York City	Racial.
The Bassick Co.	Bridgeport, Conn.	Subscribing.
Walter C. Baylies	Boston, Mass.	Individual.
A. C. Bedford	New York City	Do.
Dr. I. A. Bednarkiewicz	Erie, Pa.	Racial.
Beekman, Chas. K.	New York City	Subscribing.
Rehr, Herman & Co. (Inc.)	do.	Do.
*W. T. Benda	do.	Racial.
*Charles Bernreiter	Cleveland, Ohio	Do.
Berwind White Coal Mining Co.	New York City	Subscribing.
*Rev. Ignatius J. Bialdysa	do.	Racial.
Bizelow-Hartford Carpet Co.	do.	Subscribing.
Billings & Spencer Co.	Hartford, Conn.	Do.
The Biltmore	New York City	Do.
Blake & Bros. Co.	do.	Do.
Blanchard Bros. & Lane	Newark, N. J.	Do.
Bliss Co., E. W.	Brooklyn, N. Y.	Do.
Block, Maloney & Co.	New York City	Do.
Blodget & Co.	do.	Do.
Birk, Louis	Brooklyn, N. Y.	Racial.
Hon. Michael F. Blenski	Milwaukee, Wis.	Do.
*Bodnar, Andrew	Bridgeport, Conn.	Do.
Boissevain & Co.	New York City	Subscribing.
Dr. Albert C. Bonaschi	do.	Racial.
Bonbright & Co.	do.	Subscribing.
Borglum, Gutzon	do.	Individual.
*Prof. N. Borodin	do.	Racial.
Botany Worsted Mills	Passaic, N. J.	Subscribing.
Bourne Fuller Co.	Cleveland, Ohio	Do.
Bowman, John McE.	New York City	Racial.
Bowring, Charles W.	do.	Individual.
Bridgeport & Co., I. R.	do.	Subscribing.
Bronner, Harry	do.	Do.
Brown Bros. Co.	do.	Do.
Bryan, S. B.	do.	Do.
Buckeye Pipe Line Co.	do.	Do.
Bucyrus Co.	do.	Do.
*Budilovsky, John	Chicago, Ill.	Racial.
Buffalo Cooperative Stove Co.	Buffalo, N. Y.	Subscribing.
Buffalo Foundry & Machine Co.	do.	Do.
Buffalo Gasolene Motor Co.	do.	Do.

List of members of the Interracial Council, 120 Broadway, New York—Continued.

Name.	Address.	Memberships.
Burns Bros.	New York City.	Subscribing.
H. G. Burr Co.	do.	Do.
Bush, Irving T.	do.	Individual.
Bush, M. W.	Brooklyn, N. Y.	Racial.
Butterfield, Fred & Co.	New York City.	Subscribing.
Butterworth, William.	Moline, Ill.	Individual.
Cahot, Philip.	Boston, Mass.	Subscribing.
Callen, T. R. & Co.	New York City.	Do.
*Rev. Callimachos, D.	Brooklyn, N. Y.	Racial.
*Calvocoressi, T.	New York City.	Do.
Cambria Fuel Co.	Cambria, Wyo.	Subscribing.
Camre, F. N.	New York City.	Do.
*Cane, Thomas.	do.	Racial.
George Caranicholas.	do.	Do.
Carlson Mill Coal Co.	Carbonado, Wash.	Subscribing.
*Carlson, Hon. Samuel A.	Jamestown, N. Y.	Racial.
Carver Steel Co.	Reading, Pa.	Subscribing.
Carter, Rice & Co. (Inc.)	Boston, Mass.	Do.
*T. Am Carter Co.	Needham Heights, Mass.	Do.
Carusos, Dr. C.	New York City.	Racial and individual.
Cassavetis, N. J.	Boston, Mass.	Do.
Catzellis, Wm.	New York City.	Do.
Celluloid Co.	do.	Subscribing.
Central Leather Co.	do.	Do.
*Cermak, Joseph.	Chicago, Ill.	Racial.
Chamberlain, Lawrence & Co.	New York City.	Subscribing.
Chandler & Co.	do.	Do.
Chapin & Co., S. B.	do.	Do.
Chaplin-Fulton Manufacturing Co.	Pittsburgh, Pa.	Do.
Chapman Valve Manufacturing Co.	Indian Orchard, Mass.	Do.
Chase Bag Co.	New York City.	Do.
Chase National Bank.	do.	Do.
Chatham Hotel.	do.	Do.
Chatillon, John & Sons.	do.	Do.
Chattanooga Coke & Gas Co.	Chattanooga, Tenn.	Do.
Chernosky, Judge C. H.	Richmond, Tex.	Do.
Chmielinski, Henry H.	Boston, Mass.	Racial.
*Christensen, Erik T.	New York City.	Do.
Chung, Jock K.	Brooklyn, N. Y.	Do.
Church & Dwight Co.	New York City.	Subscribing.
Chemical National Bank.	do.	Do.
Cheney Bros.	South Manchester, Conn.	Do.
Childs Co.	New York City.	Do.
Chino Copper Co.	do.	Do.
*Ciampa, Costantino.	Dorchester, Mass.	Racial.
Claffins (Inc.)	New York City.	Subscribing.
Clark, B. Preston.	Boston, Mass.	Individual.
Clinch, R. Floyd.	Chicago, Ill.	Do.
Coe, W. R.	New York City.	Subscribing.
Colgate, Hoyt & Co.	do.	Do.
Cohen, Goldman Co.	do.	Do.
Colgate & Co., Jas. B.	do.	Do.
Collier, Barron G.	do.	Do.
Colorado Power Co.	do.	Do.
Colt's Patent Fire Arms Manufacturing Co.	do.	Do.
Combustion Engineering Corporation.	do.	Do.
Commercial Investment Co.	do.	Do.
Commonwealth Power Ry. & Light Co.	do.	Do.
Commonwealth Trust Co.	Boston, Mass.	Do.
Computing Tabulating & Recording Co.	New York City.	Do.
Cone Export & Commission Co.	Greenboro, N. C.	Do.
Congress Hotel Co.	Chicago, Ill.	Do.
Consolidated Coppermines Co.	New York City.	Do.
Consolidated Gas, Electric Light & Power Co.	Baltimore, Md.	Do.
Continental Iron Works.	Brooklyn, N. Y.	Do.
Continental Paper Bag Co.	New York City.	Do.
Continental Rubber Co.	do.	Do.
Conoley, Howard.	Boston, Mass.	Individual.
Cooper, Lieut. Col. John A.	New York City.	Racial.
Cosden & Co.	do.	Subscribing.
Cosmopolitan Shipping Co.	do.	Do.
*Cover, Alexander.	Johnstown, Pa.	Racial.
Cowles, Russell A.	New York City.	Subscribing.
Crane Co.	Chicago, Ill.	Do.
Crex Carpet Co.	New York City.	Do.
Thomas Crimmins Contracting Co.	do.	Do.
Crocker Wheeler Electric Co.	Ampere, N. J.	Do.
Cronkwhite Co. (Inc.)	Boston, Mass.	Do.
Crooke, John J. Co.	New York City.	Do.
Crosby Co.	Buffalo, N. Y.	Do.
Cross, W. Redmond.	New York City.	Individuals.
*Csernyiczky, Rev. Steven.	Bridgeport, Conn.	Racial.

List of members of the Interracial Council, 120 Broadway, New York—Continued.

Name.	Address.	Memberships.
Cuban-American Sugar Co.	New York City	Subscribing.
Cudahy, Joseph M.	Chicago, Ill.	Individual.
Cukor, Morris	New York City	Racial.
Cushman's Sons (Inc.)	do	Subscribing.
Cutting, R. Fulton	do	Do.
Czarnikow-Rionda Co.	do	Do.
Dadakis, S.	do	Racial.
d'Allessandro, Dominick	Quincy, Mass.	Individual.
Dalkowski, B. J.	Toledo, Ohio	Racial.
Damascus Bronze Co.	Pittsburgh, Pa.	Subscribing.
*Danco, Pierre	New York City	Racial.
Danzis, Gustav	do	Do.
*Darago, Joseph	Akron, Ohio	Do.
*Daval, Michael A.	Passaic, N. J.	Do.
Davis, Howland S.	New York City	Subscribing.
*de Neergaard, Julius	Brooklyn, N. Y.	Racial.
Dennison, Chas. L.	New York City	Subscribing.
Denny, Pomeroy & Co.	do	Do.
Depositors Oil & Gas Co.	do	Do.
Dery, D. G.	Allentown, Pa.	Do.
Dexter Folder Co.	New York City	Do.
*Dezso, John	Bridgeport, Conn.	Racial.
*Dierick, Jules	Brooklyn, N. Y.	Do.
*Di Giorgio, Joseph	New York City	Do.
*Dikjian, D.	do	Do.
di Micely, Mariano	do	Do.
Dixon, Joseph Crucible Co.	Jersey City, N. J.	Subscribing.
Dodge, Cleveland H.	New York City	Individual.
Dodge, Philip T.	do	Do.
Doehler Die Casting Co.	Brooklyn, N. Y.	Subscribing.
Doherty, Henry L. & Co.	New York City	Do.
Dold, Jacob Packing Co.	Buffalo, N. Y.	Do.
Dommerich, L. F.	New York City	Do.
*Doran, George H.	do	Racial.
*Dowaliby, Salim	do	Do.
*Downey, Wallace	do	Do.
Downey Shipbuilding Corporation	do	Subscribing.
Dreicer & Co.	do	Do.
Drysdale, Benedict & Co.	do	Do.
Dryden, Forrest F.	Newark, N. J.	Individual.
*Du, Lee	New York City	Racial.
*Dubuoy, Andrey	Kiev, N. Dak.	Do.
*Duggan, John F.	New York City	Do.
Dunn, Gano	do	Individual.
Du Pont, Coleman	do	Do.
Du Pont, Pierre S.	Wilmington, Del.	Do.
Durham Coal & Iron Co.	New York City	Subscribing.
Durham Duplex Razor Co.	do	Do.
Duval & Co., W. H.	do	Do.
Eagle Picher Lead Co.	Chicago, Ill.	Do.
Eastern Leather Co.	Boston, Mass.	Do.
Eastern Steel Co.	New York City	Do.
Eberlin, Viggo C.	do	Racial.
Edison Electric Appliance Co.	do	Subscribing.
Edison Electric Illuminating Co.	Boston, Mass.	Do.
Edison, Thomas A. (Inc.)	Orange, N. J.	Do.
Eidlitz, Marc & Son	New York City	Do.
Electric Bond & Share Co.	do	Do.
Electric Vacuum Cleaner Co.	do	Do.
Elkourie, Dr. H. A.	Birmingham, Ala.	Racial.
Elwell, J. W. & Co.	New York City	Subscribing.
Emery-Beers Co.	do	Do.
Emery, James A.	Washington, D. C.	Individual.
Empire Trust Co.	New York City	Subscribing.
*Enemark, Jakob	Portland, Oreg.	Racial.
Ensign, W. S. (Inc.)	New York City	Subscribing.
*Erhardt, Stephen	Bridgeport, Conn.	Racial.
*Eriksen, E. B.	Brooklyn, N. Y.	Do.
Eskenen, E. V.	New York City	Do.
Everett, Heaney & Co. (Inc.)	do	Subscribing.
Exchange Buffet Corporation	do	Do.
Export Leaf Tobacco Co.	do	Do.
Faber Pencil Co.	do	Do.
Fahy, John H.	Boston, Mass.	Individual.
Fahys & Co., Joseph	New York City	Subscribing.
Faour, D.	do	Racial.
Farrell, Wm. & Sons	do	Subscribing.
Fearon, Brown Co.	do	Do.
Federal Adding Machine Co.	do	Do.
Felsberg, John	do	Racial.
*Ferrante, Mgr. Gerardo	do	Do.
Finley, W. H.	Chicago, Ill.	Individual.

List of members of the Interracial Council, 120 Broadway, New York—Continued.

Name.	Address.	Memberships.
First & Old Detroit National Bank	Detroit, Mich.	Subscribing.
Fisk Rubber Co.	New York City	Do.
Fleischmann Co.	do.	Do.
Fleitman & Co. (Inc.)	do.	Do.
Fleming, Arthur H.	Pasadena, Calif.	Individual.
*Hoo, Lee.	New York City	Racial.
*Took, Lee.	do.	Do.
Forber, J. M. & Co.	Boston, Mass.	Subscribing.
Forstmann & Huffman Co.	Passaic, N. J.	Do.
Fort Pitt Steel Co.	McKeesport, Pa.	Do.
Foundation Co.	New York City	Do.
Fownes Bros. & Co.	do.	Do.
France & Canada Steamship Co.	do.	Do.
Francolini, Joseph N.	do.	*Racial.
Frank Alfred (Angram paper)	do.	Subscribing.
Franklin Baker Co. of New York	do.	Do.
Freschi, Hon. John J.	do.	Racial.
Frey, John P.	Cincinnati, Ohio	Individual.
Fronezak, Dr. Francis E.	Buffalo, N. Y.	Racial.
Frost, B. Y. & Co.	New York City	Subscribing.
*Fuchs, Joseph.	Berkeley, Calif.	Racial.
Fuhr, J. J.	Duluth, Minn.	Do.
*Fulton, John H.	New York City	Do.
*Gade, John A.	do.	Do.
*Galanos, N.	do.	Do.
*Galatzky, Prof. E.	do.	Do.
Garrison, Lindley M.	do.	Individual.
Gaston, Williams & Wigmore	do.	Subscribing.
General Baking Co.	do.	Do.
General Electric Co.	do.	Do.
General Fire Extinguisher Co.	do.	Do.
General Optical Co.	do.	Do.
General Phonograph Co.	do.	Do.
General Refractories Co.	do.	Do.
General Silk Importing Co.	do.	Do.
General Tractors (Inc.)	do.	Do.
*Georgopoulos, G. A.	do.	Racial.
Gera Mills.	do.	Subscribing.
*Giannini, Dr. Attilio.	do.	Racial.
Gibbons, James Cardinal.	Baltimore, Md.	Individual.
Gillette Rubber Co.	New York City	Subscribing.
Gillette Safety Razor.	Boston, Mass.	Do.
Gilman, I., & Co.	New York City	Do.
Gladding Dry Goods Co.	Providence, R. I.	Do.
Globe & Rutgers Fire Insurance Co.	New York City	Do.
Goldman & Sachs.	do.	Do.
Gorski, Rev. Ant.	Amsterdam, N. Y.	Do.
Gould Mfg. Co.	New York City	Subscribing.
Grace, E. G.	South Bethlehem, Pa.	Individual.
Graicunas, Dr. A. L.	Chicago, Ill.	Racial.
Grant (Inc.), John MacGregor.	New York City	Subscribing.
Graphoscope Development Co.	do.	Do.
Grasselli Chemical Co.	Cleveland, Ohio.	Do.
Green Star S. S. Co.	New York City	Do.
Greenfield Sons, E.	do.	Do.
Greif, L. & Bros.	Baltimore, Md.	Do.
Guenther, Paul (Inc.)	New York City	Do.
*Guidi, Ubaldo.	Boston, Mass.	Racial.
Gulf Refining Co.	Pittsburgh, Pa.	Subscribing.
*Gutland, K.	Cleveland, Ohio.	Racial.
*Gum, Moy.	New York City	Do.
Gwathmey & Co.	do.	Subscribing.
Gwynn, Arthur C.	do.	Do.
Hackett, James K.	do.	Racial.
*Hagenaers, Lionel.	do.	Do.
Hallgarten & Co.	do.	Do.
Halsey & Hudnut.	do.	Subscribing.
*Hamborsky, Rev. Julius.	do.	Do.
*Hajicek, Frank.	Scranton, Pa.	Racial.
Hamilton, A. R.	Chicago, Ill.	Do.
Hamilton, Alexander, Institute.	Pittsburgh, Pa.	Individual.
*Hamrah, Alexander.	New York City	Subscribing.
Handy & Harman.	do.	Racial.
*Hansen, Rasmus.	do.	Subscribing.
*Hansen, Major Dr. Ejnar.	Grayling, Mich.	Racial.
Harmony Mills.	New York City	Do.
*Harksen, Henry.	Boston, Mass.	Subscribing.
Harriman, W. A.	Portland, Oreg.	Racial.
Harris, Forber & Co.	New York City	Individual.
Hart & Hegeman Mfg. Co.	do.	Subscribing.
Hartford Automotive Parts Co.	Hartford, Conn.	Do.
*Hartwick, Sophus.	do.	Do.
Hatem, N.	San Francisco, Calif.	Racial.
	New York City	Do.

List of members of the Interracial Council, 120 Broadway, New York—Continued.

Name.	Address.	Memberships.
Hathaway, Smith, Folds & Co.	New York City.	Subscribing.
*Haugen, Congressman Gilbert	Washington, D. C.	Racial.
Hay Foundry & Iron Works	New York City.	Subscribing.
Heckscher, August.	do.	Do.
*Hedman, E. A.	do.	Racial.
Heide, Henry	do.	Subscribing.
*Heiskari, J.	Chicago, Ill.	Racial.
Helinski, T. M.	do.	Do.
Heller & Merz.	Newark, N. J.	Subscribing.
Hemphill, A. J.	New York City.	Individual.
Henderson Shipbuilding Co.	Mobile, Ala.	Subscribing.
*Henius, Dr. Max.	Chicago, Ill.	Racial.
Henry & Wright Manufacturing Co.	Hartford, Conn.	Subscribing.
*Henschen, Henry S.	Chicago, Ill.	Racial.
Hertmanowicz, J. J.	do.	Do.
Heyl & Patterson (Inc.)	Pittsburgh, Pa.	Subscribing.
Hillman Coal & Coke Co.	do.	Do.
*Himmler, Martin.	New York City.	Racial.
Hird-Samuel Hird & Sons (Inc.)	Passaic, N. J.	Subscribing.
Hitti, Dr. Philip K.	New York City.	Racial.
Hlavac, Albert, Jr.	do.	Do.
Hodgman Rubber Co.	do.	Subscribing.
Hodur, Rt. Rev. Francis.	Scranton, Pa.	Racial.
Holder, Arthur E.	Washington, D. C.	Individual.
*Holter, A. M.	Helena, Mont.	Racial.
*Hong, Lee Ben.	New York City.	Do.
Hood, Frederic C.	Watertown, Mass.	Individual.
Horn, Dr. Frank I.	New York City.	Racial.
Hornblower & Weeks.	do.	Subscribing.
Hotel Flanders.	do.	Do.
Hotel McAlpin.	do.	Do.
Housepian, Dr. M. M.	do.	Racial.
Housman & Co., A. A.	do.	Subscribing.
Hoving, Dr. Johannes.	do.	Racial.
Howatt, M. E.	do.	Do.
*Hrdlicka, Dr. Ales.	Washington, D. C.	Do.
Hughes, Hon. Charles E.	New York City.	Individual.
Hulbert, E. D.	Chicago, Ill.	Do.
*Hummeland, Andrew	do.	Racial.
Hunt, Robert W., & Co.	do.	Subscribing.
Hunt-Spiller Manufacturing Corporation.	Boston, Mass.	Do.
Hunter Manufacturing & Commission Co.	New York City.	Do.
Hurd, George F.	do.	Do.
Hutton, E. F., & Co.	do.	Do.
Hutton, W. E.	do.	Do.
Hyatt Bearings Division.	Harrison, N. J.	Do.
Ihrisky, Clement.	New York City, N. Y.	Racial.
Imbrie & Co.	do.	Subscribing.
Independent Lamp & Wire Co.	do.	Do.
Indiana Pipe Line Co.	do.	Do.
*Ingerman, Dr. S.	do.	Racial.
Inland Steel Co.	Chicago, Ill.	Subscribing.
Ion, Theodore P.	New York City.	Racial.
Insurance Co. of North America.	Philadelphia, Pa.	Subscribing.
International Mercantile Marine Co.	New York City.	Do.
International Nickel Co.	do.	Do.
International Tailoring Co.	do.	Do.
International Textbook Co.	Scranton, Pa.	Do.
International Trust Co.	Boston, Mass.	Do.
Irving National Bank.	New York City.	Do.
Jacobsen, Halvor.	do.	Racial.
*Jacobsen, J. C.	Idaho Falls, Idaho.	Do.
*Jacobsen, O. P. B.	Minneapolis, Minn.	Do.
Jagocki, Frank X.	Brooklyn, N. Y.	Do.
James, Arthur Curtis.	New York City.	Subscribing.
*Janetis, E.	Springfield, Mass.	Racial.
Jankovski, Vincent F.	Jersey City, N. J.	Do.
*Jarvi, V.	Brooklyn, N. Y.	Do.
Jasberg, J. H.	Hancock, Mich.	Do.
Jenkins Manufacturing Co.	New York City.	Subscribing.
Jenks, Gwynne & Co.	do.	Do.
*Jeppson, George N.	Worcester, Mass.	Racial.
Johansen, Charles K.	New York City.	Do.
Johnson, Emil F.	do.	Racial.
Johns-Pratt Co.	Hartford, Conn.	Subscribing.
Johnson & Higgins.	New York City.	Do.
*Jones, B. Y.	New Britain, Conn.	Racial.
Jones Bros. Tea Co.	Brooklyn, N. Y.	Subscribing.
Joseph, Dr. Joseph D.	Mountain View, Calif.	Racial.
Josephthal & Co.	New York City.	Subscribing.
Jouvaud, Lucien.	do.	Individual.
Juillard & Co., A. D.	do.	Subscribing.

List of members of the Interracial Council, 120 Broadway, New York—Continued.

Name.	Address.	Memberships.
*Jureidini, M.	New York City.	Racial.
Kafka, Otto.	do.	Subscribing.
Kains, Archibald.	do.	Racial.
Kalat, Nasib K.	do.	Do.
Kalaidjian, Rev. M. T.	do.	Do.
Kalassay, Rev. Alex.	Pittsburgh, Pa.	Do.
Kalendarian, V.	New York City.	Do.
*Kaparin, Otto.	Long Island City, N. Y.	Do.
Karaehusian, M.	New York City.	Do.
*Karibe, Dr. R. Bidwell.	do.	Do.
*Karp, Fred.	Sterling, Colo.	Do.
*Karuza, R.	New York City.	Do.
*Kava, Rev. F. W.	Astoria, Oreg.	Do.
Kayser, Julius & Co.	New York City.	Subscribing.
Kean, Taylor & Co.	do.	Do.
Keckonen, Oscar.	Calumet, Mich.	Racial.
Keith, Minor.	New York City.	Subscribing.
Kellor, Miss Frances A.	do.	Individual.
Kelly, Henry, jr. (Inc.)	do.	Subscribing.
Kelly-Springfield Tire Co.	do.	Do.
Keith, B. F. Theaters.	do.	Do.
Kevs, C. M.	do.	Racial.
*Kildegaard, Rev. A. C.	do.	Do.
*Killinen, M.	Fairport, Ohio.	Do.
Kirkegaard, Ivar.	New York City.	Do.
Klaas, Gustav.	do.	Do.
*Klecza, Hon. John C.	Milwaukee, Wis.	Do.
Kleis, Wilhelm E.	New York City.	Do.
*Klemmer, Chas.	Bogota, N. J.	Do.
Knauth, Nachod & Kuhne.	New York City.	Subscribing.
Knecht, Dr. Marcel.	do.	Individual.
Knowlson, Arthur.	Brooklyn, N. Y.	Racial.
*Koch, Col. N.	New York City.	Do.
Konigsberg, Ivan E. A.	do.	Do.
Konopa, J. S.	Chicago, Ill.	Do.
Koorie, Rev. Hanna.	Woodcliff, N. J.	Do.
Koppelman, Chas. H.	Baltimore, Md.	Subscribing.
Koscinski, Leopold A.	Detroit, Mich.	Racial.
Koshaba, George S.	Salt Lake City, Utah.	Do.
Koukol, A. B.	New York City.	Do.
Kovacs, Rev. Frank.	Newark, N. J.	Do.
Kovacs, Dr. Richard.	New York City.	Do.
*Kovalsky, C.	do.	Do.
Krasula, Rev. Stephen.	do.	Do.
*Krinkin, Dr. D.	do.	Do.
Kropidowski, Jos. F.	do.	Do.
*Kruka, E. W.	Painesdale, Mich.	Do.
*Kudrna, L. J.	Spillville, Iowa.	Do.
Kundtz, Theodore.	Cleveland, Ohio.	Do.
Kurkjian, Vahan.	do.	Do.
*Kuthy, Rev. Z.	do.	Do.
Kweetin, Rev. John.	do.	Do.
Lacht, Jacob.	Long Island City, N. Y.	Do.
Lackawanna Steel Co.	Buffalo, N. Y.	Subscribing.
*Lambros, P. S.	Chicago, Ill.	Racial.
Lamborn & Co.	New York City.	Subscribing.
Lamont, Thomas W.	do.	Individual.
*Lamquet, R.	do.	Racial.
*Langfeller, Henri.	Manchester, N. H.	Do.
Langley, W. C. & Co.	New York City.	Subscribing.
Langley Mills.	do.	Do.
*Lanquist, A.	Chicago, Ill.	Racial.
*Lapcak, Michael.	Hazleton, Pa.	Do.
*Larsen, Mr.	Tacoma, Wash.	Do.
Larson, O. J.	Duluth, Minn.	Do.
Laul, P. M.	Birmingham, Ala.	Do.
Lawrence Cement Co.	New York City.	Subscribing.
*Lazard, M.	do.	Racial.
Lazard Freres.	do.	Subscribing.
*Lee, G. Poy.	do.	Racial.
Leland, Henry M.	Detroit, Mich.	Individual.
Lelles, Otto.	New York City.	Racial.
Lersner, Victor A.	Brooklyn, N. Y.	Individual.
Leshner, Whitman & Co.	New York City.	Subscribing.
Lee, Higginson & Co.	Boston, Mass.	Do.
Leiman, Arthur.	New York City.	Do.
*Let, Tom.	do.	Racial.
Lewish Foundry & Machine Co.	Pittsburgh, Pa.	Subscribing.
Lewisohn, Adolph.	New York City.	Do.
Li, K. C.	do.	Racial.
Li Bue, William.	do.	Do.
Lidgerwood Manufacturing Co.	do.	Subscribing.
Lieb, J. W.	do.	Individual.

List of members of the Interracial Council, 120 Broadway, New York—Continued.

Name.	Address.	Memberships.
*Lillback, Rev. J. E.	Brooklyn, N. Y.	Racial.
Livermore, Jesse L.	New York City.	Subscribing.
Lockard, C. A., jr.	do.	Do.
Loeb, William, jr.	do.	Individual.
Loew's Theatrical Enterprise.	do.	Subscribing.
Logan & Bryan	do.	Do.
Lok, Lee B.	do.	Racial.
Love, John H.	do.	Subscribing.
Lucey Manufacturing Corporation.	do.	Do.
Luckens Steel Co.	Coatesville, Pa.	Do.
*Ludman, Rev. Alex.	Bridgeport, Conn.	Racial.
Lukes, Banks & Weeks.	New York City.	Subscribing.
Lund, Gunnar.	Seattle, Wash.	Racial.
*Lund, Harry.	Minneapolis, Minn.	Do.
*Lundbeck, Dr. C.	Brooklyn, N. Y.	Do.
Lundbeck, G. Hilmer.	New York City.	Do.
McClintic-Marshall Construction Co.	Pittsburgh, Pa.	Subscribing.
McCormick, Cyrus H.	Chicago, Ill.	Individual.
McConway & Torley Co.	Pittsburgh, Pa.	Subscribing.
Mace, Alfred C., jr., National Biscuit Co.	New York City.	Do.
Mackintosh, Hemphill & Co.	Pittsburgh, Pa.	Do.
Maehans, John.	New York City.	Racial.
*Maes, Jules.	do.	Do.
Magazine of Wall Street.	do.	Subscribing.
Magma Copper Co.	do.	Do.
Magnus Steel Co.	do.	Do.
Mahdesian, Arshag.	do.	Racial.
Maillard, Henry.	do.	Subscribing.
Mäkinen, Rev. Kalle.	do.	Racial.
*Mamatey, Albert.	Pittsburgh, Pa.	Do.
*Manni, John.	Kettle River, Minn.	Do.
Marine & Commerce Corporation.	New York City.	Subscribing.
*Markus, Alfred.	Brooklyn, N. Y.	Racial.
Marling, Alfred E.	New York City.	Racial and individual.
Marshall, Louis.	do.	Individual.
Martinsen, Rodney T.	do.	Racial.
*Maryohannan, Isaac.	Baltimore, Md.	Do.
*Matigian, Zadiq.	New York City.	Do.
Megargel, R. C. & Co.	do.	Subscribing.
Mehren, Edward J.	do.	Individual.
Mendel, Wm. H. (Inc.)	do.	Subscribing.
Merchants National Bank.	do.	Do.
Mesta Machine Co.	Pittsburgh, Pa.	Do.
*Metz, Alexander Edward.	New York City.	Racial.
Miami Metals Co.	Chicago, Ill.	Subscribing.
Michelin Tire Co.	Milltown, N. J.	Do.
Middle States Oil Corporation.	New York City.	Do.
Miele, Stefano.	do.	Racial.
Mikkal, Isaac.	Philadelphia, Pa.	Do.
Milbank, Albert G.	New York City.	Subscribing.
Millett, S. C.	do.	Do.
Mirror, The.	do.	Do.
Mississippi Glass Co.	do.	Do.
Mokarzel, S. A.	do.	Racial.
Molis, Paul.	Brooklyn, N. Y.	Do.
*Molnar, Alex.	Bethlehem, Pa.	Do.
Moore, Leonard & Lynch.	New York City.	Subscribing.
Montgomery & Co.	do.	Do.
Moot, Adelbert.	Buffalo, N. Y.	Individual.
*Morawski-Nawench, Albert.	New York City.	Racial.
Morgan, J. P. & Co.	do.	Subscribing.
*Morozoff, P. A.	do.	Racial.
*Moszczenski, Dr. John B.	Brooklyn, N. Y.	Do.
Moto-Meter Co. (Inc.)	Long Island City.	Subscribing.
*Moy, K. C.	New York City.	Racial.
Moyses & Dreyfus.	do.	Subscribing.
*Mudama, Fred.	Garfield, N. Y.	Racial.
Munroe, Charles A.	Chicago, Ill.	Individual.
Murley, Charles.	New York City.	Racial.
Murphy Varnish Co.	Newark, N. J.	Subscribing.
*Murrel, H. W.	Boston, Mass.	Racial.
Mussallem, Dr. E. J.	New York City.	Do.
*Mustonen, J. A.	Brooklyn, N. Y.	Do.
Nashua Gummed & Coated Paper Co.	Nashua, N. H.	Subscribing.
National Leather Co.	Boston, Mass.	Do.
National Park Bank.	New York City.	Do.
National Shipping Co.	do.	Do.
National Silk Dyeing Co.	Paterson, N. J.	Do.
National Sugar Refining Co.	New York City.	Do.
National Supply Co.	Toldeo, Ohio.	Do.

List of members of the Interracial Council, 120 Broadway, New York—Continued.

Name.	Address.	Memberships.
National Surety Co.	New York City	Subscribing.
Naumburg E. & Co.	do	Do.
Neelands, Thos. D.	do	Racial.
*Nehal, A.	do	Do.
*Nekton, T. H.	do	Do.
Nevada Consolidated Copper Co.	do	Subscribing.
New Castle Leather Co.	do	Do.
New England Confectionery Co.	Boston, Mass.	Do.
*Newey, Rev. Paul S.	Chicago, Ill.	Racial.
New Home Sewing Machine Co.	New York City	Subscribing.
New York Lubricating Oil Co.	do	Do.
New York Transit Co.	do	Do.
*Nicholas, Dr. George.	do	Racial.
Nichols, George L.	do	Subscribing.
Nicholson File Co.	Providence, R. I.	Do.
Nissen, Ludwig.	New York City	Do.
*Norkus, Constantin	South Boston, Mass.	Racial.
*Norkus, P.	Brooklyn, N. Y.	Do.
North Butte Mining Co.	New York City	Subscribing.
Northern Ohio Electric Corporation.	do	Do.
Northern Pipe Line Co.	do	Do.
Norton Co.	Worcester, Mass.	Do.
*Notebaert, Rev. A. A.	Rochester, N. Y.	Racial.
*Novak, Jos.	Cedar Rapids, Iowa.	Do.
Novosseloff, Serge.	New York City	Do.
Nowakoski, Alfred G.	do	Do.
Oakman, W. G.	do	Subscribing.
Oberg, Erik.	do	Racial.
*Ogren, Chas. A.	do	Do.
*Ohlman, J.	do	Do.
Ohnell, Ernest	do	Do.
*Oldrini, Prof. A.	do	Do.
Oil Well Supply Co.	do	Subscribing.
Old Colony Trust Co.	Boston, Mass.	Do.
*Olin, John	New York City	Racial.
Oliver Iron & Steel Co.	Pittsburgh, Pa.	Subscribing.
*Omelchenko, Eugene.	New York City	Racial.
*Opffer, Emil	do	Do.
*Orlob, Thorvald	Salt Lake City, Utah.	Do.
*Osland, Birger	Chicago, Ill.	Do.
Otis Elevator Co.	New York City	Subscribing.
Outerbridge, E. H. (Pantasote Leather Co.)	do	Do.
Oxford Paper Co.	do	Do.
Pabstel, Peter A.	do	Racial.
Pacat Steamship Co.	do	Subscribing.
Pacelli, Tito	do	Racial.
Pacific Development Co.	do	Subscribing.
Pacific Mills	Boston, Mass.	Do.
Pacific Steamship Co.	New York City	Do.
Packard Motor Co.	Detroit, Mich.	Do.
*Pacuta, Nicholas	Homestead, Pa.	Racial.
Page, Frank C. B.	Brooklyn, N. Y.	Individual.
*Palak, N. E.	Paterson, N. J.	Racial.
*Papazian, Rev. M. G.	Fresno, Calif.	Do.
Paramount Knitting Co.	Chicago, Ill.	Subscribing.
Parker Young Co.	Boston, Mass.	Do.
Parks, Joseph	do	Individual.
Passaic Cotton Mills.	New York City	Subscribing.
Pasvolsky, Leo	do	Racial.
*Paterno, Dr. Chas.	do	Do.
Patterson, John H.	Dayton, Ohio.	Individual.
Pederson, Hans	Seattle, Wash.	Racial.
Pennsylvania Coal Co.	Scranton, Pa.	Subscribing.
Pennsylvania Coal & Coke Corporation.	New York City	Do.
Pennsylvania Textile Co.	do	Do.
Pennsylvania Water & Power Co.	do	Do.
Peoples Vaudeville Co.	do	Do.
Percival, Dr. J. P.	Chicago, Ill.	Racial.
*Perera, Lionello.	New York City	Do.
Perkins, Herbert F.	Chicago, Ill.	Individual.
Pessenlehner, Dr. Anthony	Youngstown, Ohio	Racial.
Peterson, C. S.	Chicago, Ill.	Do.
*Petratis, Rev. J.	Paterson, N. J.	Do.
Petrunkkevitch, Prof. Alexander	New Haven, Conn.	Racial and individual.
Pfizer & Co., Chas.	New York City	Subscribing.
Phelps Bros. Co.	do	Do.
Phelps Dodge Corporation	do	Do.
Phoenix Horse Shoe Co.	do	Do.
*Pihlman, J. A.	Jersey City, N. J.	Racial.
Pilsum, Edwin.	New York City	Do.
Pine Hill Coal Co.	do	Subscribing.

List of members of the Interracial Council, 120 Broadway, New York—Continued.

Name.	Address.	Memberships.
Piotrowski, N. L.	Chicago, Ill.	Racial.
*Pirhalla, Andrew J.	Duquesne, Pa.	Do.
Pivany, Eugene	Cleveland, Ohio.	Do.
*Plaga, Rt. Rev. Joseph	Chicago, Ill.	Do.
*Plow, Carl	Petaluma, Calif.	Do.
*Plutnicki, A.	Pittsburgh, Pa.	Do.
Podin, Rev. Carl	New York City	Do.
Pokorny, Rev. Francis	Cedar Rapids, Iowa.	Do.
*Polakoff, W. N.	New York City	Do.
*Polito, Antonio	do.	Do.
Port Henry Iron Ore Co.	do.	Subscribing.
Portfolio, Almerindo	do.	Racial and individual.
Potti, Chas.	Ashtabula, Ohio	Racial.
Pratt, John T.	New York City	Subscribing.
Pratt & Lambert	Buffalo, N. Y.	Do.
McAlpin, B. B. Pratt & McAlpin	New York City	Do.
Prebis, E. J.	do.	Racial.
Prentiss & Co., Henry	do.	Subscribing.
Price-Pancoast Coal Co.	Throop, Pa.	Do.
*Pskai, Nicholas G.	New York City	Racial.
Pupin, Prof. M. I.	do.	Individual.
Pymson, Hans L.	do.	Racial.
Quistgaard, T. W.	Oyster Bay Long Island, N. Y.	Do.
Rachmaninoff, Sergei	New York City	Do.
*Rahbany, Dr. Abraham M.	Brookline, Mass.	Do.
Rainey, W. J.	New York City	Subscribing.
*Rebane, Alexander	do.	Racial.
*Reed, John W.	do.	Do.
*Reid, T. Chambers	do.	Do.
Reid, A. Duncan	do.	Do.
Remick, Hodges & Co.	do.	Subscribing.
Rawister, S., & Co.	do.	Do.
Ray Consolidated Copper Co.	do.	Do.
Raybestos Co.	Bridgenort, Conn.	Do.
Raymond Concrete Pile Co.	New York City	Do.
Read, William A., & Co.	do.	Do.
Refinite Co.	Omaha, Nebr.	Do.
Reynolds, Wm. H.	New York City	Do.
Rezek, John A.	Chicago, Ill.	Racial.
Rhode, Bishop Paul P.	Green Bay, Wis.	Do.
Rice, E. W., jr.	New York City	Individual.
*Rev. Riggio	do.	Racial.
*A. Rilppa	Brooklyn, N. Y.	Do.
Roebing, John A., Sons Co	Trenton, N. J.	Subscribing.
Rogers, Brown & Co.	New York City	Do.
Rogers-Brown Iron Co.	Buffalo, N. Y.	Do.
Rogers Wire Works	Newark, N. J.	Do.
Roman, John J.	Boston, Mass.	Racial.
Roos, Christopher	Philadelphia, Pa.	Do.
Rosalsky, Hon. Otto A.	New York City	Do.
Rosanoff, Prof. M. A.	Pittsburgh, Pa.	Do.
Rosenwald, Julius	Chicago, Ill.	Individual.
*Routhier, H.	Marquette, Mich.	Racial.
Royal Manufacturing Co.	Rahway, N. J.	Subscribing.
Bumsey, Mrs. David	New York City	Individual.
Rutland, C.	do.	Racial.
Rybner, Henry	do.	Do.
Rygg, A. N.	Brooklyn, N. Y.	Do.
Ryle & Co., Wm.	New York City	Subscribing.
*Saari, Jacob	Eveleth, Minn.	Racial.
*Saari, John	Portland, Oreg.	Do.
*Sack, A. J.	New York City	Do.
St. Joseph Lead Co.	do.	Subscribing.
St. Marys Sewer Pipe Co.	St. Marys Pa.	Do.
Sakhnovsky, A. N.	New York City	Racial.
Salmnen, Carl H.	Duluth, Minn.	Do.
Salomon Bros. & Hutzler	New York City	Subscribing.
Samoset Chocolates Co.	Boston, Mass.	Do.
Santa Cecilia Sugar Corp.	New York City	Do.
Sapelli, Alessandro	do.	Racial.
Sarei, Julius	Elizabeth, N. J.	Do.
*Sarpalins, Dr. J.	Chicago, Ill.	Do.
Sarpu, R.	New London, Conn.	Do.
Sawyer, Homer E.	New York City	Individual.
Sayles, Zahn Co.	do.	Subscribing.
Sauquoit Silk Manufacturing Co.	do.	Do.
*Schenstrom, Wm.	Brooklyn, N. Y.	Racial.
Schieren, Chas. A., Co.	New York City	Subscribing.
Schiff, Jacob H.	do.	Individual.
Schneider, Herman	Cincinnati, Ohio.	Do.
*Schobbens, Jules	New York City	Racial.
A. Schrader's Sons (Inc.)	Brooklyn, N. Y.	Subscribing.
Schwarzenbach, Robt. J. F.	New York City	Do.

List of members of the Interracial Council, 120 Broadway, New York—Continued.

Name.	Address.	Memberships.
Seaman Paper Co. (Inc.)	New York City	Subscribing.
Seamans, R. C.	do.	Do.
Seamans Oil Co.	do.	Do.
Seeburg, J. P.	Chicago, Ill.	Racial.
Semenoffsky, A. D.	New York City	Do.
Seppo, Jas.	do.	Do.
*Sergievsky, Nicholas	do.	Do.
Sevasly, Hiran	Washington, D. C.	Do.
Seyfried, Maximilian	New York City	Do.
Shahbaz, Rev. Y. H.	Brooklyn, N. Y.	Do.
*Shahbos, David	New York City	Do.
Shaterian, W. S.	do.	Do.
Sheridan & Co.	do.	Subscribing.
Shimkin, Victor	do.	Racial.
Shimmon, Paul	do.	Do.
*Shlemon, Elisha	Chicago, Ill.	Do.
*Shumsky, Col. Constantine	New York City	Do.
Sieberg, Jacob	Cambridge, Mass.	Do.
Silver King of Arizona Mining Co.	New York City	Subscribing.
Simonsen, Rasmus	Philadelphia, Pa.	Racial.
Silz, August	New York City	Subscribing.
Simmons, John, Co.	do.	Do.
Simms Magneto Co.	East Orange, N. J.	Do.
Simpanen, Matti	Brooklyn, N. Y.	Racial.
Simplex Wire & Cable Co.	Boston, Mass.	Subscribing.
Sirvydas, J. O.	Brooklyn, N. Y.	Racial.
Sloane, W. & J.	New York City	Subscribing.
S. Slater & Sons	Webster, Mass.	Do.
Smetanka, Dr. Jaroslav F.	Chicago, Ill.	Racial.
Smith, Albert L.	Philadelphia, Pa.	Subscribing.
Smith, Christian Meyland	Hamilton Park, Staten Island, N. Y.	Racial.
E. B. Smith & Co.	New York City	Subscribing.
Smith, Howard C.	do.	Do.
F. S. Smithers & Co.	do.	Do.
Smulski, John F.	Chicago, Ill.	Racial and individual.
Smykowski, Dr. B. L.	Bridgeport, Conn.	Racial.
*Snyegireff, Rev. I.	New York City	Do.
Sokol, John A.	Chicago, Ill.	Do.
Somlyo, Arnold	New York City	Do.
Sonneborn, Henry & Co.	Baltimore, Md.	Subscribing.
Sonora Phonograph Co.	New York City	Do.
*Soskice, V.	Brooklyn, N. Y.	Racial.
Southern Cotton Oil Co.	New York City	Subscribing.
Sowers Manufacturing Co.	Buffalo, N. Y.	Do.
Spang, Chalfant & Co.	Pittsburgh, Pa.	Do.
*Speak, Dr. Peter Alexander	Washington, D. C.	Racial.
Spencer, Trask & Co.	New York City	Subscribing.
*Speranza, Gino C.	do.	Racial.
Sperry Gyroscope Co.	Brooklyn, N. Y.	Subscribing.
Spicer Manufacturing Co.	South Plainfield, N. J.	Do.
*Spieglass, Dr. N.	Chicago, Ill.	Racial.
Splitdorf Electric Co.	New York City	Subscribing.
Stahl, Adolph	do.	Do.
Standard Bitulithic Co.	do.	Do.
Standard Bleachery Co.	Carlton Hill, N. J.	Do.
Standard Sanitary Manufacturing Co.	Pittsburgh, Pa.	Do.
Standard Steel Car Co.	do.	Do.
Standard Textile Products	New York City	Do.
Standard Underground Cable Co.	Pittsburgh, Pa.	Do.
*Starzynski, Dr.	do.	Racial.
*Stas, Frank	Perth Amboy, N. J.	Do.
Stearns, F. U., & Co.	New York City	Subscribing.
*Steendal, C.	do.	Racial.
Stella, Dr. Antonio	do.	Racial and individual.
Stephanidis, John D.	do.	Racial.
*Steponaitis, A.	do.	Do.
Sterling Salt Co.	do.	Subscribing.
Stevens & Co., J. R.	do.	Do.
Stewart Silk Co.	do.	Do.
Stillemans, Monsignor J. F.	do.	Racial.
Stockbridge Machine Co.	Worcester, Mass.	Subscribing.
Stockton, Philip	Boston, Mass.	Individual.
Stolt, Andreas	New York City	Racial.
Stonega C. & C. Co.	Philadelphia, Pa.	Subscribing.
*Straka, Jan	Chicago, Ill.	Racial.
Straus, Percy S. (R. H. Macy & Co.)	New York City	Subscribing.
*Strensli, Very Rev. Monsignor Emil	Brooklyn, N. Y.	Racial.
*Strimaitis, A. B.	New York City	Do.
Strong Steel Foundry Co.	Buffalo, N. Y.	Subscribing.
*Stub, Rev. J. A. O.	Minneapolis, Minn.	Racial.
Studebaker Corporation	South Bend, Ind.	Subscribing.
Submarine Signal Co.	Boston, Mass.	Do.

List of members of the Interracial Council, 120 Broadway, New York—Continued.

Name.	Address.	Memberships.
*Suchko, S.	Minneapolis, Minn.	Racial.
Supinski, Paul C.	Jersey City, N. J.	Do.
Swan & Finch Co.	New York City.	Subscribing.
Syski, Rev. A.	Boston, Mass.	Racial.
*Tadross, M.	New York City.	Do.
*Tamraz, Jonathan	Yonkers, N. Y.	Do.
*Tatanis, Petros.	New York City.	Do.
Taylor Co., W. P.	Buffalo, N. Y.	Subscribing.
Taylor & Fenn Co.	Hartford, Conn.	Do.
Terminal Barber Shop.	New York City.	Do.
Terry & Tench.	do.	Do.
Texas Co.	do.	Do.
Texas Gulf Sulphur Co.	do.	Do.
*Theodorou, Dr. C.	Chicago, Ill.	Racial.
*Thompson, T. Langland.	New York City.	Do.
Thompson, Col. William B.	do.	Individual.
Thompson-Starrett Co.	do.	Subscribing.
Ticker Publishing Co.	do.	Do.
Tidewater Oil Co.	do.	Do.
Tiedeberg, Capt. J. W.	do.	Racial.
Tiedemann & Sons, Theo.	do.	Subscribing.
Timken Roller Bearings Co.	Detroit, Mich.	Do.
To, Rev. Lee.	New York City.	Racial.
Todd Shipyards Corporation.	do.	Subscribing.
Trabulsi, Nesib.	do.	Racial.
Tripp, Guy E.	do.	Individual.
*Trolstad, Rev. A. R.	Brooklyn, N. Y.	Racial.
*Truda, D. A.	New York City.	Do.
Tumas, V. B.	do.	Do.
Turnblad, Swan J.	Minneapolis, Minn.	Do.
Turner Construction Co.	New York City.	Subscribing.
Turner, Halsey Co.	do.	Do.
*Ty, Moy F.	do.	Racial.
Tyck, Albert.	do.	Do.
Tyrakian, Ashod.	do.	Do.
Underwood Typewriter Co.	do.	Subscribing.
Union Bag & Paper Corporation.	do.	Do.
Union Rolling Mills.	Cleveland, Ohio.	Do.
Union Tank Car Line.	New York City.	Do.
United Alloy Steel Corporation.	do.	Do.
United Cigar Stores Co.	do.	Do.
United Engineering & Foundry Co.	Pittsburgh, Pa.	Do.
United Fruit Co.	Boston, Mass.	Do.
United Paperboard Co. (Inc.)	New York City.	Do.
United Piece Dye Works.	do.	Do.
U. S. Fidelity & Guaranty Co.	Baltimore, Md.	Do.
U. S. Finishing Co.	New York City.	Do.
Universal Leaf Tobacco Co.	do.	Do.
Universal Winding Co.	Boston, Mass.	Do.
Upson Nut Co.	Cleveland, Ohio.	Do.
Utah Copper Co.	New York City.	Do.
Vacuum Oil Co.	do.	Do.
*Valente, Hon. L.	do.	Racial.
Valentine & Co.	do.	Subscribing.
Van de Putte, Guill.	do.	Racial.
Varga, H. E.	Cleveland, Ohio.	Do.
Verona Tool Works.	Pittsburgh, Pa.	Subscribing.
Victor Talking Machine Co.	Camden, N. J.	Do.
Villmont, Peter S.	New York City.	Racial.
von Rydingsvard, Carl.	do.	Do.
Vulcan Iron Works (Inc.)	do.	Subscribing.
Vulcanized Rubber Co.	do.	Do.
Wagner, L. C.	do.	Racial.
Walbridge, H. D., & Co.	do.	Subscribing.
Walters, Henry.	do.	Do.
*Waluk, Dr. J.	Brooklyn, N. Y.	Racial.
Wanaque River Paper Co.	Wanaque, N. J.	Subscribing.
Warburg, Felix M.	New York City.	Individual.
Ward, Mrs. Cabot.	do.	Do.
Wargelin, Rev. John.	Hancock, Mich.	Racial.
Warner Sugar Refining Co.	New York City.	Subscribing.
Warren Bros. Co.	Boston, Mass.	Do.
Washington, George Coffee Co.	New York City.	Do.
*Wasielewski, Dr. Frank.	Milwaukee, Wis.	Racial.
Watkins Coal Co.	New York City.	Subscribing.
*Wayrynen, Hannes.	do.	Racial.
Webster & Atlas National Bank.	Boston, Mass.	Subscribing.
Weidman Silk Dyeing Co.	Paterson, N. J.	Do.
Werwinski, Ignatius K.	South Bend, Ind.	Racial.
*Westergaard, J.	Devils Lake, N. Dak.	Do.
West End Coal Co.	New York City.	Subscribing.
West Virginia Pulp & Paper Co.	do.	Do.
White, J. G., Engineering Corporation.	do.	Do.

List of members of the Interracial Council, 120 Broadway, New York—Continued.

Name.	Address.	Memberships.
Whitehead & Hoag Co.....	Newark, N. J.....	Subscribing.
Whitlock Cordage Co.....	New York City.....	Do.
Whitman Williams Co. (Inc.).....	do.....	Do.
Whitney Manufacturing Co.....	Hartford, Conn.....	Do.
Willard, Daniel.....	Baltimore, Md.....	Individual.
Wilson, Thomas E.....	Chicago, Ill.....	Do.
*Wing, Chin.....	New York City.....	Racial.
Wilcox, Wm. G.....	do.....	Subscribing.
Winslow Bros. & Smith Co.....	Boston, Mass.....	Do.
Winsor, Robert.....	do.....	Individual.
Wolcott Hotel.....	New York City.....	Subscribing.
Wolle, Lewis F., Hotel Woodward.....	do.....	Do.
Wood, G. Zav.....	do.....	Racial.
Woodin, William H.....	do.....	Individual.
Worthington Pump & Machinery Corporation.....	do.....	Subscribing.
*Woyshnar, Chas.....	Newark, N. J.....	Racial.
Wuolle, O. A.....	San Francisco, Calif.....	Do.
Yohannan, Prof. Abraham.....	New York City.....	Do.
Yohannan, Rev. Isaac.....	Yonkers, N. Y.....	Do.
*Yohannan, Dr. Joash.....	Brooklyn, N. Y.....	Do.
Yohannan, Shlemon.....	Jefferson, Ohio.....	Do.
*You, Fang Son.....	New York City.....	Do.
Youngstown Sheet & Tube Co.....	Youngstown, Ohio.....	Subscribing.
Yuille, Thos. B.....	New York City.....	Do.
Zahniser, W. H.....	do.....	Do.
Zaloom, J. A.....	do.....	Racial.
*Zapala, Rev. W.....	Chicago, Ill.....	Do.
*Zaniecki, Prof. Florian.....	do.....	Do.
*Zucca, A.....	New York City.....	Do.
*Zvariko, F.....	Brooklyn, N. Y.....	Do.
*Zychlinski, C.....	Chicago, Ill.....	Do.

NOTE.—All "subscribing" members have contributed funds to the support of the council's work.

All "individual" members compose the Inter-racial Council proper.

All "racial" members make up the council's racial conference committees and include the following races: Armenian, Assyrian, Belgian, Canadian, Chinese, Czecho-Slovak, Danish, Esthonian, Finnish, Greek, Italian, Lettish, Lithuanian, Magyar, Norwegian, Polish, Russian, Swedish, and Syrian. All except those starred (*), which are pending, have formally accepted membership on these committees. Several committees are not yet fully organized as to national representation, while committees for the following races have not yet been appointed: Albanian, British, Bulgarian, Carpatho-Russian, Dutch, French, Hispanic, Jewish, Japanese, Jugo-Slav, Mexican, Rumanian, Spanish, Swiss, Turkish, and Ukrainian.

The CHAIRMAN. Just one question: The Inter-racial Council absorbed the foreign language newspaper association, did it not?

Mr. MAYPER. No. The American Association of Foreign Language Newspapers (Inc.) was a New York State corporation long before the Inter-racial Council was organized; it was owned and controlled by one Louis M. Hammerling for a number of years. It then purported to be an advertising agency to secure advertising for the foreign-language press in this country, and it was supposed to work on a regular advertising commission basis. It incidentally conducted certain other activities that Members of Congress know something about from the minutes of the hearings on German propaganda held during the war before the Senate Committee on the Judiciary.

The Inter-racial Council was organized in March, 1919. During the month or two prior thereto, Gen. du Pont, Miss Kellor, Mr. Hemphill, ex-Justice Hughes, and others realized that the Congress then in session would probably adjourn without appropriating funds for the so-called Americanization work of the Department of the Interior, which had been carried on primarily along educational lines.

The CHAIRMAN. Under Miss Kellor?

Mr. MAYPER. Yes.

The CHAIRMAN. Now of the Inter-racial Council?

Mr. MAYPER. Yes. Miss Kellor was in charge of the New York office, developing the racial relations and acting as special advisor

to the Commissioner of Education on Americanization work. I was at that time acting chief of the Americanization Division in the Bureau of Education of the Department of the Interior, in charge of the Washington office, under the general direction of Dr. Claxton.

The CHAIRMAN. This bill that has just been sent down here as coming from the Inter-racial Council; who was the author of that?

Mr. MAYPER. The principles outlined in that proposed bill were the result of a series of conferences and the activities of several years; different persons worked on it at various times, and it is now the expression of what a Federal bureau of Assimilation might be able to do.

The CHAIRMAN. And similar ideas were developed and incorporated in a bill prepared in Secretary Lane's office, or Dr. Claxton's office?

Mr. MAYPER. If you refer to the Federal aid bill, somewhat similar to the pending Kenyon bill for the elimination of illiteracy, then I should like to go back for a moment. In April, 1918, Secretary Lane called a conference on Americanization in Washington which was attended by some 300 or 400 representative educators, business men, and labor men. This resulted in the draft of a bill providing Federal aid to the States for the elimination of illiteracy and inability to speak the English language.

The CHAIRMAN. And it became known then as the Lane bill?

Mr. MAYPER. Well, that bill got into the machinery of the Department of the Interior, and when it did come out, in slightly different form, it became known as the Smith-Bankhead bill of the last session. And, finally, that was changed to—

Mr. BOX (interposing). Do you know whether a similar bill is now in Congress under another name?

Mr. MAYPER. The Kenyon bill?

The CHAIRMAN. No; the Smith-Towner bill. Pardon me; the Kenyon bill is the immediate and direct one. Secretary Lane is presumed to have said, "We will press the Smith-Bankhead bill; we will aim high, and will take the Kenyon bill—we will take less."

Mr. MAYPER. That is probably true; but the Smith-Towner bill is not the same as the Smith-Bankhead bill, as the former provides for a secretary of education who is to be a member of the Cabinet, and provides for an appropriation of \$100,000,000, of which \$15,000,000 is to be used for the elimination of illiteracy and inability to speak the English language.

The CHAIRMAN. It does not provide that money; it calls for it.

Mr. MAYPER. That is correct; it calls for it.

Mr. KLECZKA. Is this Foreign Language Newspaper Association still in existence?

The CHAIRMAN. Yes; we want to get back to that.

Mr. MAYPER. Yes; and I want to show you how the Interracial Council became interested in the American Association of Foreign Language Newspapers (Inc.).

Just before the Interracial Council was organized, the persons I referred to previously, realized that it was important to get the foreign language press in America to work definitely and positively for America. They felt that the foreign language press in the United States is an absolute necessity at this time. If we arbitrarily wipe out the foreign language press in this country, we would make deaf and blind from four to eight million of its readers, the large majority

of whom can read no other language and have no other method of learning what is going on in the world except by word of mouth or through the motion pictures.

So, starting with the premise that it was essential at this time to maintain a foreign language press in the United States, it became advisable to put this press on an American business basis.

Mr. VAILE. The only reason why the foreign language press is a necessity at this time, or at any time, is because there are so many people in the United States who can not read the English language?

Mr. MAYPER. Precisely.

The CHAIRMAN. And the number is estimated by you at 8,000,000?

Mr. MAYPER. I say there are at least 8,000,000 readers and probably a great many more, as the foreign language press in this country has a circulation—both sworn and estimated—of between eight and ten million. I do not mean to say that every person who reads a foreign language newspaper can not read English. Take the German language press in this country; there are many persons of German birth who read the New York World and the New York Times, and also read the Staats-Zeitung. It is a habit of mind—

Mr. SIEGEL (interposing). That is true of all the foreign language newspapers.

Mr. MAYPER. That is true of most of them. But we do know that in 1910, from the only available data we have, there were approximately 3,000,000 persons 10 years of age and over who could not speak English, and a larger number, no doubt, could not read English.

It is said that every foreign language newspaper circulated is read by at least three persons; the illiterate foreign-born worker living in a boarding house has a foreign language newspaper read to him by the boardinghouse keeper or by one of the literate persons there, so that the influence of the foreign language press in the United States is considerable.

Now, coming back to the American Association of Foreign Language Newspapers (Inc.), and to the premise that it is essential for the time being to maintain a foreign-language press in this country and that it was necessary to put this press on an American business basis.

Now, how was that to be done? In the first place, we made an analysis of the foreign-language newspaper advertising columns. We found that about 70 per cent of the advertising space in the foreign-language press in this country contained advertisements of what I may call a non-American nature. I do not mean anti-American or un-American advertisements, but rather those referring to foreign products and to foreign lands. Advertisements saying, "Transmit your money home"; steamship-ticket advertisements saying, "Buy your steamship ticket from us; bring your relatives here"; notary public advertisements reading, "Let us take care of your inheritance abroad." Most of them quite legitimate advertisements, yet tending to keep alive Old World ties and interests and investments.

It was also brought out, I believe, in the hearings before the Overman committee two years ago, that some of these papers were under the influence of agencies or individuals not interested primarily in what was best for America. It was also said that the foreign-language press had no business standards, and the honest and conscientious efforts of the large majority of the publishers were denounced because of the un-American activities of the few.

We thought that the existence of these conditions were demoralizing to the editors and publishers of the foreign-language press. So, in order to secure American support of the foreign-language press as an American institution, some of the members of the Interracial Council purchased the largest existing commercial advertising agency for the foreign-language press, with all its records and data, and secured a going business, placing about half a million dollars of advertising a year. The association is now appealing to American business men to support the foreign-language press by advertising their products in this press, and so develop business with the foreign market here—a market that has been but lightly touched by American business.

Incidentally, we think that if American business does advertise its products in the foreign-language press, that this press will gradually become more and more interested in American affairs, and not be dependent for its support on temporary financial exigencies, whatever they may be.

The CHAIRMAN. That is quite natural. Now, have you sent out any press notices to them from The Interracial Council?

Mr. MAYPER. To whom?

The CHAIRMAN. To the foreign-language newspapers?

Mr. MAYPER. Surely; we sent notices, for instance, to approximately 500 foreign-language newspaper editors inviting them to attend the national conference on immigration. We invited them, as we invited some industrial men, some labor men, some bankers, some racial representatives, and others.

The CHAIRMAN. How many foreign-language newspapers are actually in the association?

Mr. MAYPER. There are a little over 700.

The CHAIRMAN. Seven hundred that are members?

Mr. MAYPER. Yes; but let me explain that: The American Association of Foreign Language Newspapers (Inc.) represents for straight advertising purposes, some 700 foreign-language newspapers; it is an advertising representative of those papers, just as there are advertising representatives for a number of our English-language papers and just as such firms as William H. Rankin & Co. are the advertising representatives of a number of business interests in the Chicago district, N. W. Ayer & Son in Philadelphia, etc.

Now, some of the members of the Interracial Council bought out Mr. Hammerling's interest in the American Association of Foreign Language Newspapers (Inc.). Not the council itself, but some of its members bought the stock.

Mr. SIEGEL. What did they pay for it?

Mr. MAYPER. I do not know.

Mr. SIEGEL. Have you any idea at all about it?

Mr. MAYPER. No, I have not; that was done while I was in Washington.

Mr. SIEGEL. When was the purchase made?

Mr. MAYPER. It must have been made in February.

Mr. SIEGEL. In 1920 or in 1919?

Mr. MAYPER. In 1919.

Mr. SIEGEL. Three or four months after the armistice?

Mr. MAYPER. Three or four months after the armistice.

Mr. VAILE. Mr. Hammerling's business was about \$500,000 a year?

Mr. MAYPER. I understand that it was approximately that.

The CHAIRMAN. Now, you have an organization that is subsidiary to your Interracial Council that is doing the advertising in those foreign-language newspapers?

Mr. MAYPER. This association does only some of the advertising business for those newspapers; the same newspapers, however, may also secure some of their advertising business from other foreign-language press advertising agencies, although this association places a good deal of it.

The CHAIRMAN. Were any of those foreign-language newspapers fixed up financially through the banks or otherwise, so that they are controlled by your organization?

Mr. MAYPER. Absolutely not. Both the American Association of Foreign Language Newspapers (Inc.) and the Interracial Council have never given one cent to any foreign-language newspaper in this country, except in payment for the use of actual advertising space paid for at regular space rates.

Mr. SIEGEL. Now, who is president of the American Association of Foreign Language Newspapers (Inc.)?

Mr. MAYPER. Miss Frances A. Kellor.

Mr. SIEGEL. And who is the secretary and treasurer.

Mr. MAYPER. The secretary is Mr. Howard P. Ingels; the treasurer is Mr. A. J. Hemphill, who is also treasurer of the Interracial Council.

The CHAIRMAN. Do those "weekly letters" of the Interracial Council go to the foreign-language newspapers?

Mr. MAYPER. They go to some of them; not to all.

The CHAIRMAN. They only go to some that are large enough to justify sending the bulletins to them?

Mr. MAYPER. That is it.

The CHAIRMAN. Do some of the editorials for those 500 newspapers go to those editors?

Mr. MAYPER. We do not send editorials to foreign-language newspapers—except one on the significance of Lincoln's birthday. We do send them, however, regular press releases, and the papers that get the "weekly letters" no doubt get these releases also.

The CHAIRMAN. They probably do?

Mr. MAYPER. They probably do.

The CHAIRMAN. Do arguments against the illiteracy test in the immigration law go to any of those newspapers?

Mr. MAYPER. Probably some statements concerning it do.

The CHAIRMAN. There is probably a regular press bureau carried on by it?

Mr. MAYPER. Yes, sir.

The CHAIRMAN. Which branch is it in? Is it in the Association of Foreign Language Newspapers?

Mr. MAYPER. No, it is in the Interracial Council.

The CHAIRMAN. Is there a big newspaper clipping service going on?

Mr. MAYPER. I do not know what you mean by "big;" every little while we send out a little story or release about immigration, Americanization, and racial relations which should be of interest to and promote better relations between the foreign born and the native born.

The CHAIRMAN. The whole idea being—let me see if I have it correctly: You have the Interracial Council, which has one big idea sticking out now, and that is the need for 5,000,000 laborers in this

country. Then you have the subsidiary organization reaching 700 foreign language newspapers, all of which advocate letting down the bars of immigration, abolishing the illiteracy test, and so on?

Mr. MAYPER. You say that the one big idea of the Interracial Council is the 5,000,000 labor shortage. But that is not quite accurate. I would not say that this is the one big idea of the Interracial Council. On the contrary, the principal object is to create a better understanding between the foreign born and native born residents of America.

The CHAIRMAN. I may modify that: The principal idea that runs through the first four weekly letters of the Interracial Council to the members of the Interracial Council, issued in March and April, carry that idea rather more heavily than they do any other ideas?

Mr. MAYPER. The Weekly Letter goes primarily to the members of the council, although some newspapers do receive it.

Mr. SIEGEL. Do you send that to the English language newspapers as well?

Mr. MAYPER. To some of them; I do not know how many.

Mr. SIEGEL. How many copies of that circular letter go out?

Mr. MAYPER. I really do not know that; I can give you that information later.

Mr. SIEGEL. Please make a memorandum of that, and insert it in your statement.

(The statement referred to is as follows:)

About 2,700 copies of each issue of the Weekly Letter are mailed. They go to every Member of Congress, the members of the Interracial Council, and a selected list of English and foreign language newspapers.

The CHAIRMAN. How do you secure those industrial members?

Mr. MAYPER. Through regular solicitation.

The CHAIRMAN. Do they pay a quarterly fee, or a yearly fee?

Mr. MAYPER. They pay annual fees; at least, the arrangement is on an annual basis; they pay either quarterly, semiannually, or annually.

The CHAIRMAN. What is an industrial membership worth?

Mr. MAYPER. It varies largely with the interest of the particular member in relation to the number of foreign-born workers in his plants; it runs from \$100 a year to \$2,500 as an average; a few are larger.

The CHAIRMAN. There are a few larger?

Mr. MAYPER. Yes.

The CHAIRMAN. Armour & Co. would pay more, for instance?

Mr. MAYPER. No; my impression is that they pay \$1,000.

The CHAIRMAN. A large lumber concern on the Pacific coast employing 5,000 or 6,000 men in the lumber business—how much would it pay?

Mr. BOX. The Hines Lumber Co., for instance?

Mr. MAYPER. I doubt very much whether the Hines Lumber Co. is above \$500.

The CHAIRMAN. You have solicited memberships all over the United States?

Mr. MAYPER. Yes, sir; but we, of course, haven't covered the country.

The CHAIRMAN. You are going to furnish the committee the number of memberships?

Mr. MAYPER. Yes, sir; I will be very glad to do so.

Mr. SIEGEL (continuing). What have been the total expenses of the Interracial Council since January 1 up to date, if you know?

Mr. MAYPER. I would rather let you know that definitely later.

Mr. SIEGEL. Have you got accountants who go over the books of the council?

Mr. MAYPER. Yes. We can give you a statement of the total expenses for the first year.

(The statement referred to is as follows:)

The total amount of money disbursed from March 1, 1919, to March 31, 1920, for pro-American educational paid advertisements, industrial services, racial relations work, research and publicity, administration and organization, is \$213,965.19.

The CHAIRMAN. Are any of the steamship companies industrial members?

Mr. MAYPER. I think there are—Phelps Bros. & Co., who, I believe, control and operate an Italian line, and the International Mercantile Marine Co.

Mr. VAILE. Who does that soliciting for membership?

Mr. MAYPER. Men who are associated with us for that purpose; men who know something about what we are trying to do and try to interpret that to the person solicited.

Mr. VAILE. And they, of course, are paid for their services?

Mr. MAYPER. They are.

Mr. VAILE. Now, you have religious organizations which have come into the Interracial Council, have you?

Mr. MAYPER. No; not as members of the council; we are cooperating with members of church organizations, just as we cooperate with any other organization.

Mr. VAILE. With chambers of commerce?

Mr. MAYPER. We are giving the Inter-Church World movement considerable material on racial relations.

Mr. BOX. Do they pay anything for their membership?

Mr. MAYPER. No; they are not members.

Mr. VAILE. Do you send your solicitors out?

Mr. MAYPER. No; I do not send them out personally.

Mr. VAILE. Who does that?

Mr. MAYPER. Mr. Barr does that—the president of the Interracial Council, through an executive under his supervision.

Mr. SIEGEL. What is Mr. Barr's occupation?

Mr. MAYPER. Mr. Barr is president of the Lumen Bearing Co. of Buffalo, N. Y.

Mr. VAILE. Do you know what is the argument used in soliciting industrial members?

Mr. MAYPER. It is a very simple argument. Here [indicating] is a little pamphlet telling the story; that is sent to them.

The CHAIRMAN. That pamphlet will be inserted in the record at this point.

(The pamphlet referred to is as follows:)

THE INTERRACIAL COUNCIL.

Organized in March, 1919, by industrial and racial leaders to carry on the racial adjustments and educational work begun under Government direction. The failure of the passage of the Smith-Bankhead bill to provide an appropriation for the great constructive work among immigrants so ably begun meant that the groundwork laid during the preceding decade would be lost unless the citizens of America assured its continuance.

AIMS AND PURPOSES.

To promote Americanism; to improve the relationships among races in America; to stabilize industrial conditions; to develop policies, standards, and legislation upon immigration and emigration; to apply American business methods to the foreign-language press by building an American advertising base under it and securing supplies and credit for it.

CHARACTER OF MEMBERSHIP.

Industrial, mercantile, and banking corporations; members of racial groups; and individuals interested in immigrants and their adjustment in America.

POLICIES.

It is in favor of: A selective immigration law, with attachés at consuls' offices; a national domestic immigration law to provide for the reception, distribution, education, and assimilation of aliens; an amended naturalization law to raise the standards of citizenship and to decrease the technical difficulties, to the end that the immigrant may become a good citizen; the reduction of deportations to a minimum and the review of decisions, and the elimination of discriminations against foreign born and of racial denunciations; the maintenance of a foreign-language press and organizations, their incorporation into American life, and their use to interpret America to the foreign-born while attaining full American assimilation; representation of foreign born in deliberations dealing with policies, legislation, and other measures affecting the welfare of both immigrants and of America; the adoption of a common language for all people in America, while preserving the languages, literature, and traditions of foreign-language residents.

SERVICE TO INDUSTRIAL MEMBERS.

To conduct an advertising and publicity campaign of education through the foreign language and English language press in the United States, emphasizing the privileges and duties under American Government and institutions, and answering misleading and inaccurate statements affecting industrial relations and production; to make analyses of racial conditions in industrial plants or in local communities, through the services of racial leaders who speak the various languages, and to advise on methods of dealing with general racial matters of practical concern to industry; to endeavor by systematic efforts to develop the interest and active cooperation of the racial organizations and leaders in the United States in such international matters as may be of national interest and value; to endeavor to stimulate a sense of responsibility on the part of, and to coordinate the efforts of, the various agencies that are in contact with the immigrant; to analyze and distribute information respecting pending legislation dealing with immigration and to suggest proposals therefor; to compile and distribute timely information relating to the life and labor of the foreign born in the United States; to maintain a bureau of information for the use of members on industrial and racial work in progress throughout the United States and to investigate the various programs and plans for the support of which members of the council may be asked; to furnish motion-picture films suitable for the promotion of an intelligent understanding of America, and through established cooperation with producers and distributors to stimulate the preparation and use of films on Americanism throughout the moving-picture theaters; to lease such films to industrial plants and other organizations; to arrange for conferences of industrial and racial leaders in order to develop standards of work and industrial stabilization.

SERVICE TO MERCANTILE MEMBERS.

To stimulate the purchasing power of cheaper lines of commodities by the foreign born and opening of the foreign-group market in America to American manufacturers and products.

SERVICE TO BANKING CORPORATIONS.

To encourage immigrants to become depositors in American institutions and investors in American securities; to stimulate thrift and the diversion of capital to the production of articles of use rather than of luxury; to stabilize man-power risks in plants, thereby improving the security of loans and credits.

SERVICE TO AMERICAN INSTITUTIONS.

The council is a nonpartisan, nonsectarian organization, which gathers information upon racial matters, analyzes conditions, movements, and data affecting the various racial groups and their interrelation in America, and their international relationships and influences upon American life. It places its information at the disposal of organizations engaged in promoting Americanism or engaged in educational and scientific work.

SERVICE TO RACIAL MEMBERS.

The council furnishes information and assistance upon economic matters; cooperation in learning English and acquiring citizenship; elimination of discrimination and race prejudice, and establishment of contacts between native and foreign-born Americans; development of legislative policies to protect, distribute, and facilitate the education of foreign-born people.

RESULTS.

Reduction in unrest and disorder, as a result of plant analyses, which point out conditions that create industrial unrest; decrease in number of departing immigrants through measures giving them an economic stake in America; increase in production by foreign-born workmen; and stabilization of industrial conditions; decrease of radicalism through information and counter education in the foreign-language press dealing with attacks upon American institutions, law and order, and industry; increase in the knowledge and use of the English language; wider knowledge of the American Constitution, institutions, organizations, and American principles, ideas, and life; maintenance of law and order by the leadership of the racial groups, foreign-language publications, and other racial agencies that are incorporated in American life; submergence of racial antagonisms and factions and misunderstandings by increasing the association of the races with each other and with Americans upon American affairs.

BULLETIN SERVICE.

Maintains a research staff which reads the foreign language press and publications, makes investigations and collects current data to furnish information concerning racial activities affecting American life, production, and assimilation. Periodical letters to members, covering international affairs, governmental activities, legislation, and public affairs.

RACIAL CONFERENCE BOARDS.

The council has 30 racial conference boards, composed of the different racial leaders who are the heads of the leading racial societies or who are prominent in the business, educational, professional, and journalistic affairs of their racial groups in America. They constitute a body of men who interpret America to their fellow countrymen and who bring into American life in a practical way the contribution of the various races. The chairmen constitute an advisory board meeting with the other members of the council.

PLAN OF ORGANIZATION.

The council has no branch organizations but utilizes the existing systems of organizations and publicity, as plants, racial societies, publications, and moving pictures, to carry out its plans and work. It is thus sure of the same recurring units of relative similarity and efficiency in each community.

Mr. VAILE. Do you know which of the members of the Interracial Council it was who bought the stock of the American Association of Foreign-Language Newspapers (Inc.)?

Mr. MAYPER. No; I do not. I know that Gen. du Pont was one of them, and there were some others.

The CHAIRMAN. Mr. Hemphill and Gen. du Pont are great believers in free immigration into the United States, are they?

Mr. MAYPER. I do not know.

The CHAIRMAN. You could not answer for them?

Mr. MAYPER. I could not.

The CHAIRMAN. Have they ever published any articles or speeches in regard to the desirability of immigration to the United States?

Mr. MAYPER. Well, I think Gen. du Pont has issued some.

The CHAIRMAN. His concerns use a great deal of labor, do they not?

Mr. MAYPER. They probably do.

Mr. VAILE. I will ask you the question that I started to ask Dr. Shields a while ago. How many offices has the Interracial Council?

Mr. MAYPER. How many offices?

Mr. VAILE. Yes.

Mr. MAYPER. I wish I could tell you definitely——

Mr. VAILE (interposing). Well, roughly, how many?

Mr. MAYPER. We have two rooms in the Equitable Building; we also have in the Woolworth Building some offices on the twenty-fifth floor, one on the twenty-second floor, and one on the thirteenth floor. All of these single rooms only until May 1. We can not get enough space together in either building or in any of the down-town buildings to bring our staff together; that is the real difficulty.

The CHAIRMAN. Why do you not move out to some other city that is not so congested. I know it is a strange question to ask a New Yorker.

Mr. MAYPER. I lived in Washington for over one year, and I surely was glad to get back to New York.

Mr. VAILE. How large is your staff in New York?

Mr. MAYPER. I think our staff is approximately between 40 and 50 people.

Mr. VAILE. That includes executives and clerks and stenographers?

Mr. MAYPER. Yes; paid people.

Mr. VAILE. About 40 or 50 paid people?

Mr. MAYPER. About that; it varies from time to time. Then we also have some part-time translators.

Mr. VAILE. You need not answer this question unless you want to: What is your own salary as executive secretary?

Mr. MAYPER. \$5,000 a year.

Mr. VAILE. Now, you have offices also in other cities, have you?

Mr. MAYPER. No.

Mr. VAILE. You have no offices in other cities?

Mr. MAYPER. No.

Mr. VAILE. You have none in Chicago?

Mr. MAYPER. Absolutely not; New York is the only place.

Mr. VAILE. Well, this staff that you mention does not include the solicitors who solicit industrial members, does it?

Mr. MAYPER. No.

Mr. VAILE. Are those solicitors paid by commission, or do they receive a salary?

Mr. MAYPER. They are paid by commission.

The CHAIRMAN. When you find one of those foreign-language newspapers that is ultraradical, and is advocating that its readers rise up with force against the Government, how does your council go about effecting a cure of that situation?

Mr. MAYPER. Let me ask, Mr. Chairman, if you have a sample of one of the Inter-racial Council antibolshevist advertisements? I think that will illustrate the kind of educational advertisements we carry.

Mr. SIEGEL. Do you mean the advertisements that appeared in the New York Globe?

Mr. MAYPER. No.

Mr. SIEGEL. Who is paying for those advertisements in that paper?

Mr. MAYPER. I understand that an organization called The America First Publicity Association was especially organized to solicit funds for the page advertisements the Globe carries.

The CHAIRMAN. Is there any concern in New York over the spread of radicalism?

Mr. MAYPER. I suppose there is as much concern there as there is in any other part of the country.

The CHAIRMAN. Do you think that the spread of radicalism amounts to anything?

Mr. MAYPER. Personally, I do not think so, in so far as the foreign-born workers are concerned.

The CHAIRMAN. The meetings of the Union of Russian Workers amount to nothing, in your opinion?

Mr. MAYPER. Well, some of them indicate very radical tendencies; there is no question about that. And some of them are probably revolutionary. But speaking in a general way about the whole situation, I do not think there should be much concern as to the large mass of foreign-born workers—there is a comparatively small number of the ultra-radicals among them—I mean those who believe in the destruction of our Government by force and violence.

The CHAIRMAN. Now, you are not trying to say that there are no foreign-born workers in these revolutionary organizations, are you?

Mr. MAYPER. No; I did not say that. I thought your question was whether I had any concern as to the existing unrest, and my answer was no; because the proportion of unrest among the foreign born in this country—I mean the revolutionary tendencies among the foreign-born workers in this country—is comparatively small.

The CHAIRMAN. You think that the "Red" end of the Socialist Party is not made up of aliens?

Mr. MAYPER. Well, I do not know what the membership of the Socialist Party is.

The CHAIRMAN. Well, you said just now that the proportion of aliens in these organizations is very small.

Mr. MAYPER. What I meant was that there is comparatively little unrest among the foreign-born workers as a whole. I do not know, however, whether they belong to the Socialist Party.

The CHAIRMAN. You know that the Communist Party is very largely made up of aliens, do you not?

Mr. MAYPER. From the reports in the public press that is the impression one is likely to get.

The CHAIRMAN. All right.

Mr. VAILE. I do not know anything about this newspaper which I have here [indicating], because I can not read Finnish; but I was going to ask you whether you know anything about a paper called Raivaaja or The Pioneer, which is one of the newspapers associated with the Interracial Council?

Mr. MAYPER. There are no papers associated with the Interracial Council.

Mr. VAILE. I mean with the American Association of Foreign Language Newspapers, formerly controlled by Mr. Hammerling.

Mr. MAYPER. The association has merely an advertising business relationship with those newspapers, and that is the only connection that the American Association of Foreign Language Newspapers has with them.

Mr. VAILE. Well, whatever association it has with them, is this one of those newspapers which is connected with that organization?

Mr. MAYPER. It may be; I do not know. If it is of interest to you, I will be glad to find out.

Mr. VAILE. I wish you would do so.

(The statement referred to is as follows:)

The Raivaaja is on the list of newspapers with whom the American Association of Foreign Language Newspapers (Inc.) does business. One of the Interracial Council's antibolshevist advertisements was printed by this paper, which, however, declined to publish a subsequent advertisement of a similar nature.

Mr. SIEGEL. Could you tell by the advertisement whether it is one of the papers connected with that organization or not?

Mr. MAYPER. No; absolutely not. Let me explain that. The commodity advertising business which the American Association of Foreign Language Newspapers places with the different foreign-language newspapers is based on straight commercial considerations. A paper may have a large circulation, or may cover a special territory, or may reach a group of people that can buy a certain product; those are the primary considerations. You can not sell advertising space in any paper, foreign language or English language, unless you do it on a straight commercial basis.

The CHAIRMAN. All right, let us have your illustration of your relieving a situation where the foreign-language newspapers were inciting to revolution.

Mr. MAYPER. The Inter-racial Council prepared half-page advertisements showing why bolshevism is not possible and is not necessary in the United States. It took statements made by Lenin in such publications as *The Soviets at Work*, and prepared in simple language advertising copy to indicate that bolshevism was not practicing what it preached; that it is now slowly assuming capitalistic tendencies in its relations with the workers; that it is getting beyond the theoretical idealistic stage of bolshevism—using those terms from the bolshevist point of view for the moment—to the practical industrial point of view; that the average individual, as at present constituted, is not willing to give the fruits of his work to somebody else for nothing, etc.

Now, we put that in simple form. The first one, for instance, showed how Capt. John Smith, some 300 years ago, tried an experiment in communism; these pioneers pooled their earnings; they plowed the ground and shared their products equally, but in a little while there was trouble; the shiftless man took the products of the labor of the thrifty man. We pointed that out. And we showed, what I think Lenin and the leaders of the bolshevists are commencing to realize, that the world has not yet arrived at the stage where bolshevism as originally contemplated can survive.

These advertisements were inserted by the Inter-racial Council in the foreign-language press and were paid for at regular space rates.

I will send to the committee English copies of those advertisements, because they show just exactly what we published.

The CHAIRMAN. Very well.

(The copies in English of the advertisements referred to are as follows: The one marked A—"When America Practiced What Lenin Preaches" was printed in 313 newspapers, printed in 26 languages, with an approximate combined circulation of 6,000,000; the one marked B—"The Task That Bolshevism Faces" was printed in 230 newspapers, printed in 26 languages, with an approximate circulation of 4,500,000.)

(The articles referred to are as follows:)

A.

WHEN AMERICA PRACTICED WHAT LENIN PREACHES.

Three hundred years ago Capt. John Smith and a band of men and women came to America.

They said: "The system of society and government in Europe is wrong. There should be no employing and employed classes. Wages should be abolished. There should be no profits, no 'capital' and no 'labor.' Land, food, clothing, and all products of labor should be held in common. What each person produces should belong to all."

They settled in what is now the State of Virginia. They formed a community based on the ideal of common ownership and the enjoyment of the fruits of each person's labor by all. They lived in a country thick with timber for making houses, abundant in fruit, fowl, and game, and rich in soil for raising cereal foods.

They said: "We have attained perfection. As communists we have reached the ideal scheme of society."

But before long something went wrong. Some of the colonists were lazy and incompetent. They said: "I have a share in all the food, clothing, and houses. I can have what I need while others are working. So why should I work?"

Others were energetic and they said: "Why should we work for them?"

Then came a time of terrible starvation and suffering. Capt. Smith made himself dictator and issued this proclamation: "He who will not work shall not eat."

But soon the people forgot their sufferings and again the lazy drifted back to depending upon the energetic. So there came another period of starvation.

Then Sir Thomas Dale, the new leader of the colony, decreed that the land should be divided into portions of 3 acres each, in return for which the colonist cultivated the land and paid into the public treasury $2\frac{1}{2}$ barrels of corn each year.

This introduction of individual ownership ended the starving times and the people prospered and were contented. For each man had an incentive to work.

The energetic and honest man had an incentive. For the harder he worked the more he produced for himself and his family, and the better they lived. The lazy man no longer could live like a parasite. He had to work or starve.

Communism again was tried by the earlier settlers of New England. The records of that time say that "this community was found to breed much confusion and discontent, for the young men who were most able to and fit did repine that they should spend their time and strength to work for other men's wives and children."

Prosperity and contentment came after Gov. Bradford assigned each family a parcel of land, which, says his record, "made all hands very industrious, so that more corn was planted than would otherwise have been."

What these early settlers of America unsuccessfully tried, and what has been tried countless times in the world's history, is now being attempted on a national scale in Russia. Common ownership is the goal of bolshevism. It is the goal of bolsheviks in the United States. And just as it failed in New England and Virginia, it will fail in Russia.

But, you may be told, all this happened 300 years ago.

Yes; and that is what makes bolshevism and the teachings of the I. W. W. and the communists certain of failure. For in the past common ownership was tried under the most favorable conditions. There were hundreds in the experimenting community, when to-day millions are involved. Then food and material for making homes, clothing, and heat were available for each man.

He needed little more than a knife, an ax, a gun, and his labor. To-day one group of people depends upon another for food, upon another for clothing. The people in the cities would starve in a short time were agriculture, manufacturing, mining, or transportation to slacken.

The reason for the failures of communism is human nature.

They were founded upon the proposition that every man and woman is an altruist—one who thinks of his neighbors and the common good before he thinks of himself and his family, and that there are no lazy, incompetent, or dishonest men.

The Russian soviet constitution says: "He shall not eat who does not work." And Lenin now is refusing to give bread cards to those who will not work.

But that is not all.

Lenin has established "capitalistic" piecework in the nationalized factories, which pays some workers more than others, for the greater a man's production through ability, ambition, and speed, the more he can earn.

And Lenin is hiring "capitalistic" experts to manage these factories and get greater production from the Russian workers at higher salaries than are paid in America.

Like the leaders of the early communistic experiments in America, Lenin has found that the average man must have an incentive to work—an opportunity for personal gain.

So he is reintroducing the principles of the industrial system which he devoted two years to destroying.

THE INTERRACIAL COUNCIL,
120 Broadway, N. Y.

B.

THE TASK THAT BOLSHEVISM FACES.

You know that it takes an artist to paint a picture; you know that it takes a clever mechanic to make a watch; and you know that anybody can ruin the picture or the watch by a kick; the tearing down of anything—whether a watch, or a house, or a government—is easy. It is the building of it that is hard.

This is the task that Russia under bolshevism faces to-day. Read what Lenin says about it in the following summary of his latest statement, "The soviets at work:"

The bolshevists have destroyed capitalism, nationalized industry, and formed workers' soviets; but Russia is still far from communism and a socialist soviet republic.

What the bolshevists have done so far was the easiest part. It was the destructive part. It required only force and decrees. The hardest part is still before them; bolshevism will fail unless it can rebuild Russian industries and get maximum production.

This can not be accomplished under the original plan of bolshevism. The workers' soviets don't know how to run the factories and keep order, and the workers aren't yet willing to work for the same rate of pay for different kinds of work. The machine worker still wants more than the man with a pick, and the brain worker still wants more than the machine worker. Russia will not have communism until human nature is changed and each man is willing to work for the good of all instead of for personal gain.

It will take years to change human nature by education and to teach workers to run factories by soviet methods; but in the meantime industry must be reorganized and maximum output by both factory and the individual worker maintained.

The only course before the bolshevist leaders is to take a step backward from the soviet state—to return to the old order. They must call in bourgeois experts at large salaries to run the factories. They must adopt the factory methods of "capitalistic" America.

And the bolshevist leaders must go back still further. They must place the workers under iron discipline. They must make the hundreds and thousands of workers in each factory subject to the will of one man—the bourgeois manager. The workers must be compelled to work their hardest.

Lenin is doing all this. He has unlimited authority. He is taking away the powers of the factory soviets and placing his bourgeois experts in charge. He is giving these new bosses what they never had before—absolute power over the workers. They can not strike. They can not even complain. Lenin compels their obedience by cutting off bread cards or calling in the Red Guard. His latest words to the Russian workers are: "Obey and don't listen to those who say our theories are wrong."

Some people say we ought to have bolshevism in America; but we ought first to learn how it is working out in Russia. Lenin can tell us better than the bolshevists in America. They say what Lenin used to say, not what he says now.

And Lenin says now that bolshevism has failed as a means of government and a means of production because human nature is stronger than his former ideas.

120 BROADWAY, NEW YORK.

THE INTERRACIAL COUNCIL.

Mr. MAYPER. We send those advertisements to some of the ultraradical foreign-language newspapers, as well as to the newspapers that have the largest circulation. We not only want to counteract the revolutionary propaganda of ultraradical newspapers, but also want to interpret these things to the readers of the moderate and conservative press, so that they, too, will understand the conditions.

There have been a few instances where the foreign-language newspapers refused to print one of these advertisements, even though we were paying regular space rates, because they said it was political; and one or two asked us for political rates, which are probably twice as much as the regular advertising rates—

Mr. KLECZKA (interposing). Let me ask you this question: The cost of these antibolshevist advertisements was paid by the interracial council, was it?

Mr. MAYPER. It was paid for by the interracial council from its operating funds which were received as membership fees from its industrial members. Just as an illustration, the first antibolshevist advertisement, head "When America practiced what Lenin preaches," inserted in some 313 foreign-languages newspapers at a cost of about \$18,000; and we got that from the industrial members of the interracial council, not as a special advertising fund, but from funds received from regular membership dues, a large portion of which goes into such pro-American advertising.

The CHAIRMAN. How many languages were you able to print that advertisement in?

Mr. MAYPER. Some 25 or 30 languages.

The CHAIRMAN. Will you insert in the record at this point the languages when the record is sent to you?

Mr. MAYPER. Yes, sir; I will be glad to do so; and I can probably give you the circulation of the newspapers that carried the advertisement.

Mr. SIEGEL. Well, you might put the language in, and the names of the newspapers.

Mr. MAYPER. Yes; I will attach a list of the newspapers.

(The list referred to is as follows:)

Publications in which The Interracial Council copy, "When America practiced what Lenin preaches," was inserted.

Location.	Publication.	Language.	Issue.
Boston, Mass.	Dielli	Albanian	Daily.
Do.	Hairenik	Armenian	Do.
Chicago, Ill.	Ameriken	Bohemian	Semiweekly.
Do.	Denni Glasatel	do.	Daily.
Do.	Svornost	do.	Do.
St. Louis, Mo.	Hlas	do.	Semiweekly.
Omaha, Nebr.	Hospodar	do.	Semimonthly.
New York, N. Y.	Hlas Lidu	do.	Daily.
Do.	New Yorske Listy	do.	Do.
Cleveland, Ohio.	American	do.	Do.
Do.	Svet	do.	Do.
Houston, Tex.	Texascky Rolnik	do.	Monthly.
Chicago, Ill.	Hlasatel	do.	Semiweekly.
Do.	Duch Casu	do.	Weekly.
Do.	Spravedlnost	do.	Daily.
Do.	Premestske Listy	do.	Weekly.
Do.	Hospodarske Listy	do.	Semimonthly.
Omaha, Nebr.	Denni Pokrok	do.	Daily.
Fayetteville, Tex.	Vestnik	do.	Weekly.
Granite City, Ill.	Naroden Glas	Bulgarian	Daily.

Publications in which The Interracial Council copy, "When America practiced what Lenin preaches," was inserted—Continued.

Location.	Publication.	Language.	Issue.
Chicago, Ill.	Jugoslavia.	Croatian.	
Do.	Jugoslovenska Zastava.	do.	Weekly.
New York, N. Y.	Jugoslovenski Sviget.	do.	Daily.
Do.	Narodni List.	do.	Do.
Pittsburgh, Pa.	Hrvatski Glasnik.	do.	Weekly.
San Francisco, Calif.	Jadran.	do.	Do.
Calumet, Mich.	Hrvatska.	do.	Do.
Fitchburg, Mass.	Pohjan Tahti.	Finnish.	Daily.
Do.	Raivaaja.	do.	Do.
Hancock, Mich.	Walvaja.	do.	Triweekly.
Duluth, Minn.	Paivalehti.	do.	Daily.
New York, N. Y.	Finnska Amerikanaren.	do.	Weekly.
Do.	New Yorkin Uutiset.	do.	Triweekly.
Hancock, Mich.	Amerikan Suometar.	do.	Do.
Fronwood, Mich.	Auttaja.	do.	Weekly.
Astoria, Oreg.	Astorian Sanomat.	do.	Semiweekly.
Duluth, Minn.	Siirtolainen.	do.	Weekly.
Los Angeles, Calif.	Union Nouvelle.	French.	Do.
San Francisco, Calif.	Echo de l'Ouest.	do.	Daily.
Biddeford, Me.	Justice de Biddeford.	do.	Weekly.
Lewiston, Me.	Echo du Maine.	do.	Triweekly.
San Francisco, Calif.	Franco Californien.	do.	Daily.
Fall River, Mass.	Semaine Paroissale.	do.	Weekly.
Holyoke, Mass.	Justice.	do.	Do.
Lynn, Mass.	Lynnois.	do.	Do.
Fall River, Mass.	Independant.	do.	Daily.
Lawrence, Mass.	Courrier de Lawrence.	do.	Weekly.
Lowell, Mass.	Etoile.	do.	Daily.
New Bedford, Mass.	Independent.	do.	Do.
Worcester, Mass.	Opinion Publique.	do.	Do.
Minneapolis, Minn.	Echo de L'Ouest.	do.	Weekly.
Manchester, N. H.	Avenir National.	do.	Daily.
Woonsocket, R. I.	Tribune.	do.	Do.
New York, N. Y.	Courrier des Etats Unis.	do.	Do.
Omaha, Nebr.	Danske Pioneer.	Danish.	Weekly.
Moline, Ill.	Gazette van Mobile.	Flemish.	Do.
Chicago, Ill.	Greek Star.	Greek.	Do.
Do.	Saloniki.	do.	Do.
Manchester, N. H.	Ergatis.	do.	Do.
New York, N. Y.	Atlantis.	do.	Daily.
Do.	National Herald.	do.	Do.
Lynn, Mass.	Demomios.	do.	Weekly.
San Francisco, Calif.	Prometheus.	do.	Do.
Paterson, N. J.	Het Oosten.	Hollandish.	Do.
Do.	Telegraaf.	do.	Do.
Bridgeport, Conn.	Bridgeport.	Hungarian.	Do.
Detroit, Mich.	Magyar Hirlep.	do.	Semiweekly.
New Brunswick, N. J.	Magyar Ujsag.	do.	Weekly.
Passaic, N. J.	Szabad Sajto.	do.	Do.
Trenton, N. J.	Fugetiensag.	do.	Do.
New York, N. Y.	Amerikai Magyar Nepszava.	do.	Daily.
Do.	Magyar Banyaszlap.	do.	Weekly.
Do.	Magyar Munkaslap.	do.	Do.
Cleveland, Ohio.	Magyar Vannarepja.	do.	Do.
Do.	Szabadsag.	do.	Daily.
Youngstown, Ohio.	Amerikai Magyar Hirlep.	do.	Weekly.
Pittsburgh, Pa.	Magyar Hirado.	do.	Do.
Chicago, Ill.	Magyar Tribune.	do.	Do.
Do.	Otthon.	do.	Do.
Detroit, Mich.	Dongo.	do.	Semi-monthly.
Do.	Verhovayak Lapja.	do.	Do.
St. Louis, Mo.	St. Louis es Videke.	do.	Weekly.
New Brunswick, N. J.	Magyar Hirnok.	do.	Do.
Lorain, Ohio.	Lorain es Videke.	Hungarian.	Weekly.
New Brunswick, N. J.	Kereszt.	do.	Do.
Sacramento, Calif.	Capitale.	Italian.	Do.
San Francisco, Calif.	Italia.	do.	Daily.
Do.	Voce del Popolo.	do.	Do.
Denver, Colo.	Capitale.	do.	Weekly.
Do.	Roza.	do.	Do.
Pueblo, Colo.	Unione.	do.	Do.
Do.	Vindice.	do.	Do.
Trinidad, Colo.	Corriere di Trinidad.	do.	Do.
New Haven, Conn.	Corriere del Connecticut.	do.	Do.
Waterbury, Conn.	Verita.	do.	Do.
Chicago, Ill.	Cittadino di Chicago.	do.	Do.
Do.	Italia.	do.	Semiweekly.
Do.	Tribune Italiano.	do.	Weekly.
Gary, Ind.	Corriere del Popolo.	do.	Do.
Boston, Mass.	Gazetta del Massachusetts.	do.	Do.

Publications in which The Interracial Council copy, "When America practiced what Lenin preaches," was inserted—Continued.

Location.	Publication.	Language.	Issue.
Boston, Mass.	Notizia	Italian	Daily.
Do.	Pungolo	do	Weekly.
Detroit, Mich.	Voce del Popolo	do	Do.
St. Louis, Mo.	Pensiero	do	Do.
Newark, N. J.	Biveste	do	Do.
Paterson, N. J.	Messaggero	do	Do.
Do.	Risveglio	do	Do.
Mount Vernon, N. Y.	Cronaca Illustrata	do	Do.
New York, N. Y.	Progresso Italo-Americano	do	Daily.
Utica, N. Y.	Luca	do	Weekly.
Do.	Pensiero Italiano	do	Do.
Youngstown, Ohio	Cittadino Italo-Americano	do	Do.
Philadelphia, Pa.	Opinione	do	Daily.
Do.	Mastro Paolo	do	Weekly.
Newport, R. I.	Alba	do	Do.
Providence, R. I.	Corriere del Rhode Island	do	Do.
Do.	Eco del Rhode Island	do	Do.
Seattle, Wash.	Corriere di Seattle	do	Do.
St. Louis, Mo.	Legia Italiana	do	Do.
New York, N. Y.	Araldo Italiano	do	Daily.
Do.	Giornale Italiano	do	Do.
Do.	Telegrafo	do	Do.
Do.	Iuisticia	do	Weekly.
Los Angeles, Calif.	Italo-Americano	do	Do.
Bridgeport, Conn.	Sentinella	do	Do.
Waterbury, Conn.	Progresso del New England	do	Do.
Calumet, Mich.	Minatore Italiano	do	Daily.
Buffalo, N. Y.	Corriero Italiano	do	Weekly.
Rochester, N. Y.	Tribuna di Rochester	do	Do.
Schenectady, N. Y.	Corriere di Schenectady	do	Do.
Syracuse, N. Y.	Corriere di Syracuse	do	Do.
Philadelphia, Pa.	Voce della Colonia	do	Do.
Pittsburgh, Pa.	Trinacria	do	Do.
Chicago, Ill.	Jewish Daily Corrier	Jewish	Daily.
Do.	Jewish Daily Forward	do	Do.
St. Louis, Mo.	Yiddische Folk	do	Weekly.
Do.	Jewish Record	do	Do.
New York, N. Y.	Epoca	do	Semiweekly.
Do.	America	do	Weekly.
Do.	Amerikaner	do	Do.
Do.	Day-Warheit	do	Daily.
Do.	Jewish Morning Journal	do	Do.
Do.	Jewish Daily News	do	Do.
Do.	Jewish Daily Forward	do	Do.
Do.	Haint	do	Do.
Do.	Jewish Farmer	do	Do.
Cleveland, Ohio	Jewish World	do	Do.
Philadelphia, Pa.	do	do	Do.
New York, N. Y.	Big Stick	do	Weekly.
Do.	Yiddisher Kaempfer	do	Do.
Chicago, Ill.	Jewish Record	do	Do.
Boston, Mass.	Jewish American	do	Do.
Detroit, Mich.	Der Weg	do	Daily.
Philadelphia, Pa.	Jewish Morning Journal	do	Do.
Milwaukee, Wis.	Jewish Daily Press	do	Do.
New York, N. Y.	Gerechtigkeit	do	Weekly.
Chicago, Ill.	Draugae	Lithuanian	Daily.
Do.	Lietuva	do	Do.
Do.	Maujienas	do	Do.
Boston, Mass.	Melivias	do	Weekly.
Worcester, Mass.	Amerikes Lietuvis	do	Do.
Brooklyn, N. Y.	Garnas	do	Do.
Do.	Vierlyje Lietuvniaka	do	Do.
New York, N. Y.	Tevyne	do	Daily.
Cleveland, Ohio	Dirva	do	Weekly.
Mahanoy City, Pa.	Saule	do	Semiweekly.
Boston, Mass.	Sandara	do	Weekly.
San Francisco, Calif.	Bien	Norwegian	Do.
Decorah, Iowa	Decorah Posten	do	Semiweekly.
Duluth, Minn.	Duluth Skandinav	do	Weekly.
Minneapolis, Minn.	Familien Magasin	do	Monthly.
Do.	Ugebladet	do	Weekly.
New York, N. Y.	Nordlyset	do	Do.
Chicago, Ill.	Skandinaven	do	Daily.
Do.	Social Demokraten	do	Weekly.
Minneapolis, Minn.	Minneapolis Tidende	do	Do.
Brooklyn, N. Y.	Nordisk Tidende	do	Do.
Grand Forks, N. Dak.	Normanden	do	Semiweekly.
Canton, S. Dak.	Visergutten	do	Weekly.
Seattle, Wash.	Washington Posten	do	Do.
Minneapolis, Minn.	Minneapolis Tidinde	do	

Publications in which The Interracial Council copy, "When America practiced what Lenin preaches," was inserted—Continued.

Location.	Publication.	Language.	Issue.
Chicago, Ill.	Dziennik Chicagoski	Polish	Daily.
Do.	Dziennik Ludowy	do	Do.
Do.	Dziennik Naradowy	do	Do.
Do.	Zgoda	do	Do.
Boston, Mass.	Kuryer Codzienny	do	Do.
Detroit, Mich.	Rekord Codzienny	do	Do.
Minneapolis, Minn.	Nawody Minneapolis	do	Weekly.
Omaha, Nebr.	Owdazda Zachodn	do	Do.
Elizabeth, N. J.	Oewiata	do	Do.
Jersey City, N. J.	Glas Narodu	do	Do.
Buffalo, N. Y.	Dziennik dla Wasystkich	do	Daily.
Do.	Polak w Ameryce	do	Do.
New York, N. Y.	Telegram Codzienny	do	Do.
Cleveland, Ohio	Polonia w Ameryce	do	Do.
Do.	Wiedemesce Codzienne	do	Do.
Do.	Jutrzenka	do	Weekly.
Toledo, Ohio.	Ameryka Echo	do	Do.
Philadelphia, Pa.	Gwiazda	do	Do.
Do.	Jednoac	do	Do.
Do.	Patryota	do	Do.
Pittsburgh, Pa.	Haslo Polskie	do	Do.
Stevens Point, Wis.	Gwiazda Polarua	do	Do.
Buffalo, N. Y.	Unista	do	Do.
Chicago, Ill.	Narod Polski	do	Do.
Milwaukee, Wis.	Kuryer Polski	do	Daily.
Wilmington, Del.	Polonia	do	Weekly.
Chicago, Ill.	Nowy Swiat	do	Do.
Gary, Ind.	Glos Ludu	do	Do.
Baltimore, Md.	Jednosce Polonia	do	Do.
New York, N. Y.	Nasza Liemia	do	Do.
Detroit, Mich.	Detroiticki Dziennik Ludowy	do	Daily.
Utica, N. Y.	Slowo Polski	do	Weekly.
Philadelphia, Pa.	Codzienna Gazeta Ludowa	do	Daily.
Do.	Kuryer Fileldelfijski	do	Triweekly.
Do.	Przyjacieli Ludu	do	Weekly.
Wilkes-Barre Pa.	Republika Gornik Pennsylvanski	do	Do.
Detroit, Mich.	Dziennik Polski	do	Daily.
Pittsburgh, Pa.	Wielkopolanin	do	Weekly
Chicago, Ill.	Cepy	do	Do
Milwaukee, Wis.	Nowiny Polskie	do	Daily.
St. Louis, Mo.	Przewodnik Polski	do	Weekiv
Toledo, Ohio.	Ameryka Echo	do	Daily.
Cleveland, Ohio.	Foasia Poporulia	Rumanian.	Triweekly.
Do.	America	do	Daily.
Youngstown, Ohio.	Romanul	do	Semiweekly.
San Francisco, Calif.	Jornal de Noticias	Portuguese.	Weekly.
Fall River, Mass.	Novidades	do	Do.
New Bedford, Mass.	Alverado	do	Daily.
Do.	Independente	do	Weekly.
Do.	Popular	do	Do.
Chicago, Ill.	Free Russia	Russian	Do.
New York City	Sien Otechestva	do	Semiweekly.
Olyphant, Pa.	Pravda	do	Do.
Pittsburgh, Pa.	Narodna Obrana	do	Weekly.
Wilkes-Barre, Pa.	Svit	do	Do.
Chicago, Ill.	United Serbian	Serbian	Do.
New York, N. Y.	Srpski Dnevnik	do	Daily.
San Francisco, Calif.	Serbian Herald	do	Weekly.
Pittsburgh, Pa.	American Srbobran	do	Daily.
Chicago, Ill.	Ludowy Dennik	Slovak	Do.
New York, N. Y.	New Yorske Dennik	do	Do.
Do.	Slovak w Amerike	do	Do.
Do.	Krajan	do	Weekly.
Youngstown, Ohio.	Youngstownski Slovenske Noviny	do	Do.
Homestead, Pa.	Am. Russky Vestnik	do	Do.
Middletown, Pa.	Jednota	do	Do.
Wilkes-Barre, Pa.	Bratstvo	do	Do.
Pittsburgh, Pa.	Am. Slovensko Noviny	do	Do.
Do.	Narodny Noviny	do	Do.
Chicago, Ill.	Rovnost Ludu	do	Do.
Pittsburgh, Pa.	Narodny Dennik	do	Daily.
Cleveland, Ohio.	Hlas	do	Weekly.
Do.	Obrana	do	Do.
Pittsburgh, Pa.	Slovensky Hlasnik	do	Do.
Chicago, Ill.	Glaslo Jedneta	Slovenian	Do.
Do.	Glas Swebode	do	Semiweekly.
Joliet, Ill.	Amerikanski Slovenic	do	Do.
New York, N. Y.	Glas Naroda	do	Daily.
Cleveland, Ohio.	Ameriska Domevina	do	Triweekly.
Do.	Enakopravnost	do	Daily.
Chicago, Ill.	Prosveta	do	Do.

Publications in which The Interracial Council copy, "When America practiced what Lenin preaches," was inserted—Continued.

Location.	Publication.	Language.	Issue.
Calumet, Mich.	Slovenske Novice	Slovenian	Weekly.
Clayton, N. Mex.	Union del Pueblo	Spanish	Do.
New York, N. Y.	Prensa	do.	Daily.
San Antonio, Tex.	do.	do.	Do.
Do.	do.	do.	Weekly.
Tampa, Fla.	do.	do.	Daily.
Do.	Heraldo Dominical	do.	Weekly.
Cedar Rapids, Iowa	Quinnan och Hemmet	Swedish	Monthly.
Sioux City, Iowa	Svenska Monitoren	do.	Weekly.
Worcester, Mass.	Svea	do.	Do.
Duluth, Minn.	Duluth Posten	do.	Do.
Do.	Svenska Amerikanska Tribunen	do.	Do.
Minneapolis, Minn.	Veckobladet	do.	Do.
Do.	Svenska Folkets Tidning	do.	Do.
Do.	Omaha Posten	do.	Do.
New York, N. Y.	Nordstjernan	do.	Semiweekly.
Chicago, Ill.	Svenska Amerikanaren	do.	Weekly.
Do.	Svenska Kuriren	do.	Do.
Do.	Svenska Tribunen Nyheter	do.	Do.
St. Paul, Minn.	Minnesota Stats Tidning	do.	Do.
Omaha, Nebr.	Omaha Postern	do.	Do.
Jamestown, N. Y.	Skandia	do.	Do.
New York, N. Y.	Arbetaren	do.	Do.
Denver, Colo.	Svenska Amerikansk Western	do.	Do.
Chicago, Ill.	Sandebudet	do.	Do.
Minneapolis, Minn.	Svenska Amerikanska Posten	do.	Do.
Seattle, Wash.	Svenska Pacific Tribunen	do.	Do.
Chicago, Ill.	Svenska Socialisten	do.	Do.
San Francisco, Calif.	Vestkusten	do.	Do.
Boston, Mass.	Fatat Boston	Syrian	Monthly.
New York, N. Y.	Al-Hoda	do.	Daily.
Do.	Daily Mirror	do.	Do.
Do.	Syrian Commercial Magazine	do.	Monthly.
Do.	Ash-Shaab	do.	Daily.
Jersey City, N. J.	Swoboda	Ukrainian	Triweekly.
Philadelphia, Pa.	America	do.	Do.
Seranton, Pa.	Narodna Wola	do.	Weekly.
McKeesport, Pa.	Prasvita	do.	Do.

Mr. MAYPER (continuing). Now, we followed that up with a second advertisement headed "The task that bolshevism faces." The theory of this one was that it is easy to break things down, but very difficult to build them up. We were poorer then, so this advertisement was placed in about 230 foreign language newspapers—as many as our funds would permit.

The CHAIRMAN. Your organization felt that it was necessary to do that—or desirable?

Mr. MAYPER. We felt that it was desirable to do that, because of the other kind of propaganda which has, generally speaking, remained unanswered through the foreign language press.

Mr. Box. May I ask a few questions? How long were you in the service of the Federal Government here?

Mr. MAYPER. About a year.

Mr. Box. Were you one of those patriotic gentlemen who worked for a dollar a year?

Mr. MAYPER. Yes; but my salary was paid by the National Americanization committee.

Mr. Box. Did Miss Kellor work in the same way?

Mr. MAYPER. Miss Kellor has never received any salary from any of the membership organizations in which she had any direction or control.

Mr. Box. Did she receive any salary from the Government at the time she worked for it?

Mr. MAYPER. One dollar per year.

Mr. BOX. One dollar a year. Is it not a fact that she has been more or less connected with the Standard Oil interests for several years?

Mr. MAYPER. That is not a fact. It is a fact, however, that the Standard Oil Co., the American Smelting & Refining Co., Armour & Co., and the 300 other firms and corporations on the back of that letterhead [indicating] have all contributed to the support of the Interracial Council of which Miss Kellor happens to be vice chairman. Miss Kellor has never, to my own knowledge—and I have worked with her for nine years—been on the pay roll of the Standard Oil Co., nor has she been associated with that company in any way or manner.

Mr. BOX. She has had no business connection with them of any kind prior to the formation of The Interracial Council?

Mr. MAYPER. I did not say that.

Mr. BOX. That is what I wanted to get at.

Mr. MAYPER. The National Americanization Committee, or the Committee for Immigrants in America, which was an organization doing the same work and preceded the National Americanization Committee, may have been supported by some members of the Standard Oil Co., as it was supported by hundreds of other individuals, firms, and corporations throughout the United States who thought it wise to give money for the development of the country's Americanization work—since the Government had never made any appropriation for it.

I want to make this point clear, however, that Miss Kellor was not personally associated with any of those companies in any direct or indirect way. Money to support the work was requested from people who would give it, and individuals associated with the Standard Oil Co. were among those who gave it.

Mr. BOX. And somebody supported her while she was a Government employee here in Washington?

Mr. SIEGEL. She wrote some books.

Mr. BOX. I understand that.

Mr. MAYPER. May I state this? I do not know anything about Miss Kellor's personal financial affairs. But I do know, however, what her relationship has been to the national organizations that she organized and directed, that started the Americanization work in this country; that developed it and that supported the immigrant education and Americanization work of the Department of the Interior for four years. I do know that, because for nearly nine years I was handling the executive work of these organizations and was in charge of their financial receipts and disbursements. And I know that in all these years she did not receive one cent in the form of salaries or gratuities of any kind.

Mr. BOX. I see. You referred to the educational bill that was prepared by you, or some of your associates; I do not think you took credit for it—the bill that finally took shape in the Smith-Bankhead bill.

Mr. MAYPER. Yes.

Mr. BOX. Was that a bill designed for the elimination of illiteracy?

Mr. MAYPER. That is correct.

Mr. BOX. And if the Smith-Towner bill carries that feature now, it has that in common with the other bill?

Mr. MAYPER. Yes; except that it provides for a new executive department to supervise the work instead of having it conducted by the Department of the Interior.

Mr. BOX. And carries an appropriation for the work, does it?

Mr. MAYPER. The Smith-Bankhead bill, my impression is, asked for \$12,500,000 or \$14,000,000 a year.

Mr. BOX. It is a matter of some millions for the correction of illiteracy?

Mr. MAYPER. Correct—and inability to speak English; taking in the South and the North; it was for native born as well as for foreign literates.

Mr. BOX. As well as for foreign-born illiterates?

Mr. MAYPER. Correct.

Mr. BOX. And your purpose here now is to ask us to admit more illiterates?

Mr. MAYPER. Not necessarily.

Mr. BOX. Well, does not your association ask that we remove the illiteracy test and remove it for the purpose of letting them in?

Mr. MAYPER. In order to answer that comprehensively I would have to go back to what Mr. Marshall said and to what Mr. Williams has said; and I do not think that we want to cover the ground again.

Mr. BOX. Well, that is what you want us to do, is it not?

Mr. MAYPER. No; it is not.

Mr. BOX. Well, is there any other modification in our law that you are asking for?

Mr. MAYPER. Yes, absolutely. We are asking for modifications in the naturalization law and in governmental activity bearing on our assimilative processes.

Mr. BOX. Well, I am talking about immigration.

Mr. MAYPER. Well, but we are not interested in any one phase of it; we are interested in developing the best interests of the country as well as of the foreign born.

The CHAIRMAN. To make it clear, let me ask this: Your organization designated Mr. Louis Marshall to come down here at the head of your committee and be its spokesman.

Mr. MAYPER. Pardon me; the National Conference on Immigration designated him—not the Interracial Council.

Mr. BOX. I admit that your literature here [indicating] shows that you have covered other territory; but the point I wanted to discuss with you was that one point. The one change that you want made in our laws governing the admission of immigrants into this country is the elimination of the literacy test.

Mr. MAYPER. No; there are other——

Mr. BOX (interposing). Well, do you want that test omitted from the law?

Mr. MAYPER. Yes; the National Conference on Immigration did propose that.

Mr. BOX. And that is what you are here to suggest. Now, do you think it would be wise for us to appropriate millions of dollars to cure illiteracy and at the same time to further import illiterates?

Mr. MAYPER. My answer to that is this: That America profits through the arrival in this country of every decent, law-abiding, physically strong worker, whether literate or illiterate. America profits through his work, which results in the country's industrial

development and financial development and in its international trade; and if, as the result of the admission of such persons, it becomes advisable (particularly in view of the bill that I picked up here [indicating] H. R. 12320) to set up higher standards for citizenship permitting only those who can read as well as speak the English language to become naturalized, then it is worth while to spend an additional sum of money, if necessary, to teach them the English language.

Mr. BOX. Yes; that is probably correct, that it is worth while to spend the money.

In connection with this very question, you do recognize, however, that when you do increase the number of illiterates in the United States, and then ask the National Government to appropriate money to cure that ill, you are increasing that part of the Government's burdens.

Mr. MAYPER. Well, I see that; but I think it is overcome by the additional wealth that those people produce. One other point—

The CHAIRMAN (interposing). Do not get away from that point just yet.

Mr. MAYPER. I want to say just a word as to the literacy test. The literacy test requires that the person who is admitted should be able to read a certain number of words in any language. That will not help him, however, to read the English language; you will have to teach him anyway how to read the English language.

The CHAIRMAN. It is a sign that he has the ability to read some language; and that is a sign of intelligence.

Mr. MAYPER. Yes; and as a former teacher in the New York City evening schools, I realize that it makes it a little easier to teach him English.

Mr. VAILE. Yes; a person who can read some other language can learn to read the English language more readily; he will not have to go back to "a, b."

Mr. MAYPER. That is correct.

Mr. BOX. Now, in connection with this question, I am not passing on the question of the appropriation; I am discussing its bearings on your proposition here.

Mr. MAYPER. Yes; I understand.

Mr. BOX. My State has a great many Mexicans in it; you have heard that subject mentioned before. There was a proposition presented here to bring hundreds or thousands of other Mexicans in. And if we should pass the Smith-Towner bill, that part of it that you are interested in—that is, you are interested in a similar provision of a similar bill?

Mr. MAYPER. Yes.

Mr. BOX (continuing). In urging that I support the Smith-Towner bill, people have looked at me slyly and said, "We have got hundreds of thousands of Mexicans that want to come in. Think how much money that means to Texas."

And I call your attention to the fact that we are bringing this burden in here and magnifying it, and that we will further magnify it if we should grant your request; and then we would turn around and make appropriations to correct the very evils that are caused by letting those people in.

Mr. VAILE. Excuse me. I think his argument is that if we are careful of the kind of people we let in, they will be worth educating. Is that your argument?

Mr. MAYPER. Absolutely.

Mr. BOX. But suppose we have a great many more now than we are educating; a great many more now than this \$12,000,000 will educate; is it wise to further augment the number, when any sum that we can appropriate will be inadequate?

Mr. MAYPER. If you appropriate a certain number of millions of dollars, whether it is five million or twelve million or twenty million, for the elimination of illiteracy and inability to speak English, and you ask the question, "Is it worth while to increase the appropriation for that purpose by letting some more people into the country?" I say that this can not be arbitrarily answered, unless we take into consideration the other needs of the United States and balance them against this cost.

Mr. BOX. You mean the industrial needs?

Mr. MAYPER. Precisely; and the commercial development and prosperity of the United States.

Mr. BOX. I understand.

The CHAIRMAN. One of these bills, I do not know which one, requires that all persons receive as much as an eighth-grade education. Is that possible?

Mr. MAYPER. Dr. Shiels, you can answer that better than I can.

Mr. SIEGEL. Dr. Shiels is an authority as to that.

Mr. SHIELS. It is not possible even with native-born white people to enforce any such law.

The CHAIRMAN. That is what I thought. It would create consternation in South Carolina, for instance.

Mr. SHIELS. May I make this suggestion? The constant emphasis on this illiteracy test has somewhat misled us as to the whole purpose of those resolutions.

Now, as a matter of fact, when we first presented a draft of the proposed resolutions to the conference—and I assume that I am now speaking for the Interracial Council—it contained a proposal for the revocation of the literacy test only in so far as it applied to domestic servants and farm laborers. On the floor of the conference, however, that was changed by the delegates present who had nothing to do with the Interracial Council.

The CHAIRMAN. That is because you developed something that was to be a little outside wheel; you were just getting up something in the name of the Interracial Council.

Mr. SHIELS. Here is the way I feel about the matter, merely as a citizen. It is not a question of admitting illiterates; it is not a question of wanting to admit anybody. The real question is, What does this country need, not what does Europe need? We have to think of our own country first. And if it can be established as a fact, that we need, let us say not more than 10,000 immigrants, then the question is, Can we get the kind we want? And if we can get those who are literate, then very good—and if we can go still higher and get immigrant doctors of philosophy, then still better—let us go as high as we can. But the real question is, What are our needs? And if there are workers of a certain sort that are needed, and they can be obtained, they should be allowed to come here. There should

be no imputation that we want illiteracy because we think illiteracy is desirable.

Mr. BOX. No; that you want them in spite of their illiteracy.

Mr. SHIELDS. Yes.

The CHAIRMAN. The point is, that after years of effort on the part of the people who thought that immigration to the United States was a little too free, the Congress managed to pass, after it had been vetoed by three Presidents of the United States, a law with an illiteracy test that has kept out some illiterates. They might have provided, instead of that, a head tax of \$500, or they might have provided several other methods.

Mr. SHIELDS. Yes. The real point is that we should keep out those that we really do not want in this country. If we can get all we need of the kind we want, under present conditions, that is all right. But if it should turn out next year, or some time in the future, that we need a type of labor that would prove injurious to the country, then that is a different question.

The CHAIRMAN. Well, here is the Territory of Hawaii clamoring for oriental labor. There are certain sections of the Pacific coast saying, "You have let the Eastern States have cheaper labor than we have; and you will not let us have any; and at the same time you have killed our resources for the benefit of those who come in from the other side."

Mr. KLECZKA. What percentage of those who would otherwise come in has this illiteracy test excluded?

Mr. SHIELDS. I have not that information at hand; but I can insert it later.

The CHAIRMAN. We will be glad to have you insert that.

(The statement referred to is as follows:)

ILLITERACY DATA.

From 1899 to 1909 the average illiteracy of all European immigrants 14 years of age and over was 26.6 per cent. For the "old immigration" it was 2.7 per cent, for the "new immigration" it was 35.6 per cent.

The percentage of illiteracy by race was as follows:

Scandinavian, 0.4 per cent.....	1 in 250
English, 1.1 per cent.....	1 in 100
Finns.....	1 in 77
Bohemians.....	1 in 59
Welsh.....	1 in 52
Irish, 2.7 per cent.....	1 in 38
Dutch.....	1 in 23
Germans, 5.1 per cent.....	1 in 20
Per cent.	
Magyar.....	11.4
North Italian.....	11.8
Hebrew.....	25.7
Greek.....	27.0
Rumanian.....	34.7
Polish.....	35.4
Jugo-Slav.....	36.4
South Italian.....	54.2
Portuguese.....	68.2

Illiteracy arrivals for seven years before the literacy test was passed for immigrants 14 years of age and up.

Year ending.	Illiterates 14 years and over.	Total 14 years and over.
June 30, 1911.....	182, 273	760, 750
June 30, 1912.....	177, 284	724, 472
June 30, 1913.....	269, 988	1, 050, 734
June 30, 1914.....	260, 152	1, 059, 869
June 30, 1915.....	35, 157	273, 718
June 30, 1916.....	40, 138	251, 756
June 30, 1917.....	4, 272	61, 713
	969, 264	4, 183, 012

The percentage of illiterates for these seven years is 23 per cent.

Under normal conditions an approximate estimate might be made of the number of immigrants barred by the literacy test, by using this proportionate percentage of illiteracy as a basis of comparison and applying it to subsequent figures.

The intervention of war, however, forbids the application of that method of computation because the war in itself excluded the operation of all the usual factors influencing immigration. These factors, combined with other new causes, have continued to operate since the armistice.

Mr. SHIELS. I will also be glad to furnish you a lot of printed material, and you can pick out what you want.

Mr. BOX. It would be better for you to send to the committee what you think we ought to have, because our desks are covered with hundreds of papers now, and it would be difficult for us to select just the information that we ought to have.

The CHAIRMAN. Yes; we will send this record up to you, and you may insert matter that is material and relevant to it, because other members of Congress who are not present will read the record.

Mr. BOX. You are asking for the admission of 5,000,000 of laboring people?

Mr. MAYPER. Are we asking for the admission of 5,000,000? I do not think that is the statement in the resolutions. We say that there is a shortage of labor.

Mr. BOX. Here is what you are asking for, or what you say is necessary, and you make it more than 5,000,000; that is what the memorial and resolutions of the national conference on immigration says about it:

To-day there is a labor shortage in practically every industrial activity. It amounts to not less than that of upwards of 5,000,000 men. In addition, there is a dearth of agricultural labor and of domestic servants to an extent difficult of calculation.

That is, in addition to the 5,000,000 men. And then the gentleman who was speaking this morning thought that the families ought to come here. I just wanted to suggest what that involved.

Then I want to know, when your solicitors go to the industrial members of the council, such as those I have named—and I could name many others like them, as you know—these big steel companies, the Bethlehem Steel Co., or the American Locomotive Co.—do they go to those companies to solicit advertisements of the engines and steel products in the foreign language newspapers? I understand that their connection with your organization was largely as a kind of clearing house for advertising?

Mr. MAYPER. No; that is not correct.

Mr. BOX. Well, what is their business motive for paying the money?

Mr. MAYPER. Do you now want to know what services the Interracial Council is rendering to its members?

Mr. BOX. No; I want to know why these people are paying \$2,500 a year into your organizations.

Mr. MAYPER. There are two definite things, and some supplemental things: First, we have an industrial service. This consists in sending to an industrial plant men who speak the languages of the majority of the foreign-born employees. They make an analysis of the plant conditions and may spend from a day to a week or 10 days in a plant, in an open and above-board, man-to-man inquiry—and not as spies or detectives. They go to the employment manager, to the welfare director, to the medical department, and to the other persons coming in contact with the workers to find out how the personal services of that plant are developed among the foreign-born and non-English speaking workers. Then they go to the foreign-born workers themselves—again in an open and frank above-board manner and they try to find out, in their own language, how they are availing themselves of the plant personnel and Americanization services, and whether there are things going on at that plant which are creating dissatisfaction and unrest among them.

Mr. BOX. That is one good service that they render.

Mr. MAYPER. Then we try to find out how the plant management can develop or engage in new activities, and these usually include the organization of classes in that plant to teach the English language and to teach the meaning of American citizenship. That is one service.

Mr. BOX. There is another service that you render, as shown by your printed pamphlet, entitled, "The Interracial Council": "The reduction of deportations to a minimum."

Mr. MAYPER. I beg your pardon.

Mr. BOX. Whom are you serving there?

Mr. MAYPER. Those are general policies of the Interracial Council.

Mr. BOX. The pamphlet also says: "And the review of decisions; and the elimination of discriminations against foreign born." Now, you say one of the policies is to reduce deportations to the minimum?

Dr. SHIELDS. That is, by keeping out the people who would be deported.

Mr. BOX. You are trying to keep them out now?

Dr. SHIELDS. We are trying to keep out that type.

Mr. VAILE. That is not the meaning of this language in your circular; it says: "The reduction of deportations to a minimum and the review of decisions."

Mr. MAYPER. That was brought out by Mr. Marshall this morning, where he suggested that the alien should be entitled to the safeguards of normal legal procedure, and that the person arrested on a warrant of deportation should have the right to be represented by counsel.

Mr. BOX. But when you talk to Armour & Co. or the Standard Oil Co. or the Bethlehem Steel Co. about reducing deportations to a minimum, you do not tell them that you want those foreigners to get a fairer hearing; but you tell them that you are trying to reduce the number of those people that would be taken out of the country, do you not? Is that not a fact?

Mr. MAYPER. That is not a fact. The industries of this country are as solicitous as any one of us to get rid of every so-called "red" in their employ.

Mr. BOX. You do not dispute that that is your literature, do you? [Indicating.]

Mr. MAYPER. No; not at all. But what we stand for is to secure the right of a legal hearing, and with the chance to subpoena witnesses and to be heard, with counsel, before an open tribunal in every pending deportation case. Only in this manner can we reduce in a large way the unrest among our foreign-born people that is developed by some of the present methods.

Mr. BOX. Do you not think that you could better satisfy the intelligent foreign-born people—and that it is impossible to satisfy the others—that you could better satisfy them, not by reducing the number of deportations as an end, but by making the procedure open, so that they would understand it?

Mr. MAYPER. Well, then we apparently agree in principle, although the expression of it may not be the same. I think we agree on the process involved.

Mr. BOX. There is another thing that the Interracial Council is doing; it has been writing me letters weekly; I have received quite a number of letters; I will not trouble you by referring to all of them. But one of the things you are attempting to do is to increase immigration to the United States, is it not?

Mr. MAYPER. No; except—

Mr. BOX (interposing). Then, what do you want those 5,000,000 for?

Mr. MAYPER. There is a decided difference between increasing immigration by stimulating it and amending the law so that an excluded type will hereafter be admissible. In other words, we are not proposing that we go abroad, into Poland and Italy, for instance, and urge them to come over here.

Mr. BOX. I am not saying that; but you are proposing the opening of the doors much wider, so that they can get in.

Mr. MAYPER. I think that is a fact.

Mr. BOX. That is a fact. Now, what interest have these corporations that I have named—and there are certainly hundreds of them altogether—in this? Are you performing your contract duty to them in trying to get these people into this country?

Mr. MAYPER. No. We do not agree to get immigrants in.

Mr. BOX. Just a minute; let me finish, and then you can answer my question: When you solicit them, or at some time during your negotiations with those people, whom I might call your "constituents"—

Mr. MAYPER. I understand.

Mr. BOX (continuing). Do you not advise them in advance that you are going to try to get men to supply this labor need?

Mr. MAYPER. I do not know whether the individual solicitors do that or not; I do not go with them. But I do know what they are told to hold out to the so-called "constituents." They are instructed to outline the services enumerated under the heading "Service to Industrial Members" in that little booklet [indicating] in making an industrial membership appeal.

Mr. BOX. And you know also that the literature which they see carries with it an effort to get the immigrant labor into this country for that very purpose; that is, to supply their industrial needs.

Mr. MAYPER. That may be true in so far as the resolutions of the National Conference on Immigration go.

Mr. BOX. Yes. Now, as a matter of fact, do you think that such concerns as Armour & Co., the Standard Oil Co., and others of those big competent concerns—whatever else we may say about them, they are competent—do they need the help of your men to find their advertising?

Mr. MAYPER. Are you referring to the foreign-language press advertising?

Mr. BOX. I am talking about their seeking an advertising medium, as you said a few moments ago. Do you think they need your aid in placing their advertising?

Mr. MAYPER. Your question is not very clear to me. Do you mean the Inter-racial Council's pro-American advertising, or the commercial commodity advertising solicited by the American Association of Foreign Language Newspapers?

Mr. BOX. I am talking about the regular commodity advertising.

Mr. MAYPER. Well, that is a simple business proposition. In the city of New York, I think there are five or six agencies soliciting advertising for the foreign-language press. The American Association of Foreign Language Newspapers (Inc.) happens to be the largest of those agencies, and the one that gets the most business. As I said, approximately 50 or 60 per cent of the total national advertising is placed through that association.

Mr. BOX. Now, what has the American Locomotive Works to advertise through those channels?

Mr. MAYPER. The American Locomotive Works does not advertise anything in those papers. The large majority of the firms or corporations who are members of the Interracial Council may not advertise any commodity through the American Association of Foreign Language Newspapers; yet they would support the work of the Interracial Council because of our industrial service and our pro-American educational advertising campaign in the foreign-language press.

Mr. BOX. I see. So that, in the case of such clients or constituents as that, the purpose is not to reach the foreign people for advertising purposes, but to obtain your services in the adjustment of their relations with other men?

Mr. MAYPER. Yes—that is one of our services. A clear distinction must be kept between commodity advertising, with which the Interracial Council is not dealing at all, but which the American Association of Foreign Language Newspapers is handling, with its own staff, its own records, and in its own quarters—and the advertising of the Interracial Council itself, which is entirely of a pro-American educational nature.

Mr. BOX. You say that one of your purposes is to maintain a foreign-language press? What do you mean by "maintaining it," if you do not own it or have anything to do with it?

Mr. MAYPER. Let me repeat what I said at the very start, that we believe absolutely in the necessity of the existence of a foreign-language press in the United States at this time and until a large majority of our non-English-reading public can read the English language. So, we believe in maintaining a press in this country which is

printed in other languages than English. It does not necessarily mean that we are supporting the press by emoluments of any kind or by the payment of subsidies. We are absolutely not doing that. When a firm or a corporation wants to sell, for instance, rubber boots to our foreign-born population the American Association of Foreign Language Newspapers (Inc.) tries to get the advertiser to place that advertisement in the foreign-language press as a strict commercial proposition. The association submits estimates for the papers that will reach the foreign-born farmers out in the Northwest and the foreign-born workers on wet jobs, and similar data.

Mr. Box. One thing more. I see another clause in this booklet of the Interracial Council stating your purposes, in which you state that one of your purposes is to decrease the number of departing immigrants. Now, we had the proposition of increasing the immigration; you are here asking for that.

Mr. MAYPER. Yes.

Mr. Box. And you had a proposition to decrease the number of deportations?

Mr. MAYPER. Correct—through regular legal procedure.

Mr. Box. And here is another clause in this booklet, in which you are seeking to keep those who are here from leaving the country.

Now, every one of those things points to the labor supply.

Mr. MAYPER. No; two of them do; one does not. The first proposition refers to the literacy test, the second to deportations. But the total number of deportations, even if every one of the 3,000 or more who were arrested in the several raids were deported, would not amount to a drop in the bucket in so far as the labor supply is concerned.

Mr. Box. Well, it affects the labor supply.

Mr. MAYPER. Hardly. What it does is to create unrest among the other foreign born who are in America and who are interested—

The CHAIRMAN (interposing). Another thing it does is to keep them from joining these Union of Russian Workers and the other organizations of a similar character, in spite of what you put in your Weekly Bulletin, that 10 per cent of those aliens who were deported by the ship *Buford* were sent through error.

Mr. SHIELS. We got that statement from the newspapers.

The CHAIRMAN. You got it from the newspapers?

Mr. MAYPER. Yes; that is simply summarized from a statement in a newspaper. You will notice in this newspaper clipping [handing paper to chairman] a memorandum made to our research department which reads: "Summarize into paragraph for Weekly News Letter."

The CHAIRMAN. Well, the exact memorandum written by Secretary Wilson has been sent to this committee, and this statement [indicating] does not fit that; I mention that just to show you what a publicity bureau will do.

Mr. MAYPER. That newspaper clipping is from the New York Evening Sun of February 7, 1920.

(The newspaper article referred to is as follows:)

HUSBANDS DEPORTED BY MISTAKE—LETTER FROM SECRETARY WILSON DECLARES ORDERS WERE ISSUED NOT TO SEND FAMILY MEN TO RUSSIA ON SOVIET ARK.

Through "some unaccountable oversight" it is now known orders to Ellis Island from the Commissioner General of Immigration, directing that no aliens having wives and children in this country be deported with the first 249 Reds who sailed on the

"Soviet Ark," did not reach New York, and about 10 per cent of the *Buford's* passengers were deported contrary to the policy of the Labor Department.

This fact is set forth in a letter from Secretary of Labor Wilson, dated January 7, to Miss Helen Todd, chairman of the American Woman's New York Committee, organized to provide relief for wives and children of these men left virtually destitute by the loss of the heads of their families.

Confirmation of the order did reach immigration offices at Boston, Philadelphia, Cleveland, Chicago, Buffalo, Detroit, Pittsburgh, and Baltimore, and none of the aliens held at these points who had wives and families were deported, said the Secretary's letter.

An effort will be made to provide some suitable plan for sending the families of the deportees to Russia. Secretary Wilson says in his letter, which follows:

"DEAR MADAM: The department has received your letter of January 5 concerning the matter of wives of alien deportees who sailed on the *Buford* on the morning of the 21st ultimo. It is a matter of regret that the husbands of the women you mention in your communication were deported on that steamship.

"On the 18th of the month, two days previous to the departure of the ship, on learning that there was a small number of alien members of the Union of Russian Workers arrested under warrants issued since the 5th of November last who had families in this country, several of whom have American-born children, and having in mind that the aliens to be deported on such vessel might, after landing in Europe, be required to cross military lines, the department gave consideration to the subject in a conference with the Acting Secretary and the Commissioner of Immigration.

"At the conclusion of the conference the department gave directions as follows: Alien deportees who have no wives or children in this country should be deported on said vessel. Those having wives or children in this country will be allowed to remain here until the result of the experiment shows that their wives and children can be sent with them on vessels or until other transportation is found.

"I am informed by the Commissioner General that on the 19th ultimo he caused to be prepared a telegram reading as follows: 'Do not include in present deportation party of Russian workers aliens having wives or families residing in the United States,' and directed that the officers in charge of the station at Boston, Philadelphia, Chicago, Buffalo, Detroit, Cleveland, New York, Pittsburgh, and Baltimore be called on the telephone and informed of the contents of the message, confirmation to follow by wire.

"This, I am advised by said officer, was done with all the stations named, but through some unaccountable oversight the confirmation did not go to New York. I am also informed by him that no aliens having families who were to be taken from the immigration offices at Boston, Philadelphia, Cleveland, Chicago, Buffalo, Detroit, Pittsburgh, and Baltimore were included in the parties of deportees from those cities. It thus appears that the Ellis Island station is the only one from which heads of families were deported; and owing to the fact that the number of families affected can not reach hundreds, the number mentioned in your letter, it is likely that you have enumerated them all.

"The Commissioner General further states that, outside of the request of Mrs. Oradowsky, who alleged that she was an anarchist and the common law wife of Marcus Oradowsky, one of the deportees, whose husband came under the departmental order above set forth, he was not informed until a short time before the departure of the vessel that there was any one thereon who left a wife or family in the United States, excepting the statement made to him by one of the officers of the bureau, shortly before the vessel sailed, that one of the men claimed to be married.

"Further answering your said letter, the department is investigating the circumstances attending the deportation of a number of heads of families who were deported in the manner stated and such other matters in connection therewith as should come to the attention of the department and will make further reply.

"In relation to the demand which these women make through you in behalf of the American Woman's New York Committee that they and their children be sent by the first boat to rejoin their husbands and fathers, the department wishes to state that there are no completed arrangements for the departure of another ship. It is probable in the absence of any other method of transportation that another vessel may be utilized for deporting some of the aliens who have been or hereafter may be ordered deported.

"Of course the Government can not deport wives and children of alien deportees, nor can it insist upon their departure from the country. Their departure, if it takes place, must be voluntary. As the law makes no provision that families of deportees shall be sent with them at Government expense, this part of your request can not be

answered beyond the statement that, as is usual in cases of deportees with families, the persons affected make suitable provision for the expense required. Of course other ways may occur to you.

"As soon as the immigration officer in charge of the deportees on the *Buford* has made his report concerning existing conditions at the place to which they may be delivered you will be apprised of the same, so that the women in whose behalf you have written may be fully informed. The department will be pleased to take steps to have information speeded to the utmost degree.

"The department wishes again to assure of its regret that its directions unfortunately miscarried at one of the ports.

"W. B. WILSON,
"Secretary of Labor."

The CHAIRMAN. I just want to call your attention to the fact that this committee has received a number of articles about parades and meetings and other activities of these "Reds," some of which will surprise you, and some of which it would be well for you to print in your publicity campaign.

Mr. MAYPER. We will be very glad to get it from the committee and I think we can probably include some of it in our advertising educational work.

Mr. VAILE. Those solicitors who solicit industrial members for the Interracial Council are not confined to the statements contained in this booklet; they may make any representations that they like, within the general scope of its activities?

Mr. MAYPER. They are instructed to confine themselves to the actual work of the council, but any agent can make any representations he wants to make.

Mr. VAILE. Let me tell you the experience of this committee: We have had a number of gentlemen here urging the admission of Mexican laborers for work on the cotton crop of the South; we have had others here urging the admission of those laborers for the sugar fields of Colorado, Wyoming, Utah, and Nebraska. We consumed about two weeks in our hearings of those gentlemen.

We also had a committee here a few days ago, representing the building trades of New York City, strongly urging the necessity of bringing in labor for their needs.

Mr. MAYPER. If what I know of the building situation in the section of the country where I live is any criterion, then they certainly do need common labor; they build two stories of a house and then stop, because their labor is drawn off to some other operation.

Mr. VAILE. Yes; they need labor. But in all of the time in the present session of Congress, I do not remember a single manufacturer, or a single farmer or producer coming before this committee to argue for the Americanization of such laborers as are already in the country. To me it seemed very evident that what they were most interested in was not the Americanization of those who were in the country; but an increase in the supply—that more should come in. Now, if that is what they were principally interested in when they appeared before this committee, is that not what they will be interested in when your solicitor goes around to them?

Mr. MAYPER. I do not know what they will be interested in. But I do know this: I know what we are trying to do, and we are working on a comprehensive program. Primarily, the work of the Interracial Council is Americanization in its broader sense, and the development of better racial relations in this country; it is not for the

elimination of the literacy test. The Interracial Council had never taken a stand on illiteracy until the National Conference on Immigration was called——

The CHAIRMAN (interposing). Let me ask you how long could the Americanization process go on? We will say the Americanization will be quite rapid at the rate at which you work on the ground among the common labor, but that large numbers of others were brought into the country quite rapidly: How long do you think that could last, in a country of the size of the United States?

Mr. MAYPER. Do you mean until it came to what has been termed the point of saturation?

The CHAIRMAN. Yes; that is exactly it.

Mr. MAYPER. To the point where you could not assimilate any more?

The CHAIRMAN. Yes; to the point of saturation?

Mr. MAYPER. I could not really say. I think that our immigration for the last 15 years, except during the war, showed that, except for the panic of 1907, and the unemployment period of 1915, we practically absorbed, certainly in our industrial processes, every person who was here.

The CHAIRMAN. You absorbed them in that way; but you did not teach them English, and you kept up a large number of foreign-language newspapers; and if you keep up their subscriptions, it stands to reason that the foreign-language newspapers will survive.

Mr. MAYPER. But the difficulty is with us—not with them. It is not with the immigrant who comes here; we have not provided adequate facilities to teach him English and to make him understand what America really means. Dr. Shiels told us that the evening schools in New York City had only 35,000 attendance when there were several hundred thousand who could not speak English.

The CHAIRMAN. Well, that is not the business of the United States; that is the business of New York State.

Mr. SHIELS. But in New York City we actually had the highest percentage for the country of attendance of non-English-speaking or foreign-born pupils.

The CHAIRMAN. Well, you have the highest percentage of that class living there.

Mr. SHIELS. Yes; we run about 80 per cent of foreign born, or those who have been here one generation. But we had the highest percentage of attendance among that class. But while things are very much better because of recent legislation, and will be much better than they are now, it is certainly a fact that, while we talk about our night schools and our adult schools for our foreign born population, it is not a drop in the bucket; and if, in taking the attendance we find that the majority attend less than 22 evenings of two hours each, we will agree that there is not much possibility of accomplishing what ought to be accomplished. You will realize what it means, if you gentlemen work hard all day, and then try to learn to read the Arabic language in the evening. When you think of that, you can realize what it means to go to night school for two hours an evening after working hard all day. The immigrant starts with a hurrah, but if there is a teacher who does not speak a word of his language, and if there is an interesting motion picture show going on outside, it is hard to keep him in night school.

Mr. MAYPER. Let me add a word to what Mr. Shiels has said to show the inadequacy of our public school facilities: In 1918, according to the records of the Bureau of Education, there were only about 400 cities and towns of 2,500 population or over that had any public evening school facilities for the foreign born. The Bureau of Naturalization, however, states that there are 1,800 or 2,000 cities or towns having such facilities. But they probably include a town in which there is a little class of five or six people who are taking a special course in naturalization.

The CHAIRMAN. Well, they are pressing that along pretty well; it has only been established two or three years. But we must bring this hearing to a close.

Mr. VAILE. I would like to finish that line of questions that I started on. How many men have you engaged in the business of making analyses of racial conditions in industrial plants?

Mr. MAYPER. I believe we have six racial men.

Mr. VAILE. You say you have six?

Mr. MAYPER. I think that is the number just now; they vary—six, or seven, or eight; they vary from time to time.

Mr. VAILE. Are they the only men who are engaged in furnishing services to industrial members, by actual service in their plants?

Mr. MAYPER. Yes; and I should add myself to the number.

Mr. VAILE. That makes seven. Now, you have here [indicating] among your partial list of industrial members, hundreds, I should think, of large manufacturing concerns—at least, scores of them. When your solicitor goes in to get industrial memberships, can he represent to the American Brass Co. or to Armour & Co. or to the American Machine Tool Co. or to the Lackawanna Steel Co. or to Libby, McNeill & Libby, or to scores of other manufacturing concerns, that as part of the industrial service, he is going to be able to send one of your men into that plant?

Mr. MAYPER. I think so, because the type of industrial service that these industrial members need varies with the individual plant. We may have a call to-day from one of our members, saying: "Our Hungarian and Polish workmen threaten to leave us right away. Please come up here and find out the reason for it." We go up there and find out what the trouble is all about and settle the whole situation in half a day. In the case I have in mind, the making out of the income-tax blanks caused the trouble; the blanks contained a statement that the person signing it did not intend to return to his native country in the near future; and those who signed such a statement were not required to pay double the regular income tax imposed on returning aliens. The income tax had to be deducted by the employer as the withholding agent, and when these forms were distributed to the foreign-born workers, they began to ask, "Does that mean that we must swear that we will become American citizens? Are they going to force us to become American citizens? Can we reduce our income tax only if we become citizens?"

They got together and began talking to each other; and in a little while the whole plant was on edge. When our representatives arrived at the plant, knowing how to talk to those people, they explained the income tax law and that everybody was subject to its provisions; that those who were going out of the country were called——

The CHAIRMAN (interposing). Transient aliens?

Mr. MAYPER. Transient aliens; and that when they signed that form, it did not pledge them to become American citizens, but merely indicated that they were not planning at that time to return to their native countries. And so we got things straightened out.

Mr. VAILE. On this partial list of industrial members, there are some 400 concerns. Now, is it possible that with your six men and yourself on the job of straightening out disagreements in the industrial plants, you can offer to those 400 concerns, and more—

Mr. MAYPER (interposing). There are about 400 or 500 of them.

Mr. VAILE (continuing). Is it possible that with those six men and yourself, you can offer to those 400 or 500 concerns sufficient services of that character in their plants to make that the principal inducement for them to pay from \$250 to \$2,500 for membership?

Mr. MAYPER. You misunderstand the proposition. We offer this kind of service merely as one of our membership services. One plant is interested in that; another plant is interested in our anti-Bolshevist campaign. One service will interest one concern and another service will interest another concern.

Mr. VAILE. Now, as a matter of fact, is not the principal service that they are interested in getting the additional labor?

Mr. MAYPER. I do not think so, in so far as the representations which the individual solicitor is instructed to make to membership prospects.

The CHAIRMAN. Why is it that all of these concerns are writing to their Members of Congress with just that one appeal for additional labor?

Mr. MAYPER. I assume it is because they need labor.

The CHAIRMAN. That is the first thing on their minds, is it not?

Mr. MAYPER. That is a necessity.

Mr. VAILE. In view of the number of appeals which have been made to us to get in labor, and the total lack of appeals for Americanization, is it not fair to assume that this is what happens: Your solicitor goes in and says, "We urge you to become members of the Interracial Council"; and will not the first question that he asks you be, "Can you get me any laborers?"

Mr. MAYPER. And our first answer will be, "No. We are not an employment agency, and we can not get you any laborers."

Mr. VAILE. Will he not ask you next, "Will you not urge Congress to get us laborers?"

Mr. MAYPER. No.

Mr. VAILE. Then, why are you here before us to-day asking us to let additional laborers come in?

Mr. MAYPER. Because the national conference on immigration adopted certain resolutions, and a committee was appointed to come down here and submit those resolutions to you; and among those resolutions was a resolution definitely asking for the repeal of the literacy test.

The CHAIRMAN. And you say you got in touch with that through the national conference on immigration?

Mr. MAYPER. Yes.

Mr. VAILE. And was not the conference on immigration to which you refer, and which appointed this committee to come here, called by the Interracial Council?

Mr. MAYPER. Yes.

Mr. VAILE. And the principal matter presented to this committee of Congress has been a request for the admission of 5,000,000 laborers or more.

Mr. MAYPER. I do not know as to that. We are tremendously interested in the creation of a Federal board of assimilation.

Mr. VAILE. Well, it was very strongly urged to us by that conference on immigration.

Mr. MAYPER. That is due to the fact that only admission, deportation, and naturalization bills are pending before your committee. Education is not before you, and the Interracial Council is much more interested in the broad program of Americanization than in immigration.

The CHAIRMAN. Well, it so happens that immigration is within the province of this committee and Americanization is within the province of another committee.

Mr. MAYPER. Exactly.

Mr. VAILE. Do you want this committee to understand that your committee can come here, and whether stimulated or not, and whether urged or not, can urge the admission of four or five million men into this country, and the same thing not be stated by one of the solicitors for your organization who is soliciting industrial members?

Mr. MAYPER. I do not know whether it is possible or not; but it is not within the line of argument so far as the instructions to the solicitors are concerned.

Mr. SIEGEL. All right; you may add anything to your statement that you desire.

Dr. Antonio Stella, the vice president of the Society for Italian Immigrants, was here this morning, but was called away this afternoon, and he has left a statement that he would like to have inserted in the record.

(The statement referred to is as follows:)

APRIL 22, 1920.

THE PRESIDENT AND MEMBERS OF THE COMMITTEE ON IMMIGRATION.

It would be presumption on my part and more than superfluous to repeat before this enlightened body the arguments in opposition to the literacy test, and it would be proving the obvious to say that this provision of the immigration law enacted in 1917 over the President's veto, and after similar vetoes by Presidents Cleveland and Taft, does not afford the solution of the problem which it is intended to solve.

But now that the literacy test has been in force for three years, it is in order to consider some of the serious consequences of this restrictive measure.

Average conditions as they were before the enactment of our literacy test can be best indicated by our governmental immigration statistics as they were published for the year ended June 30, 1914, the last one before the European War broke out. In that year out of 1,218,480 immigrant aliens who came over here 263,226 were illiterates 14 years of age or over, being about 21 per cent. In the same year 288,053 farm laborers and 14,442 farmers came over, about 25 per cent of our entire immigration. One hundred and forty-four thousand four hundred and nine servants landed the same year, being a little over 12 per cent of the entire number.

During the year ended June 30, 1919, out of 141,132 immigrant aliens landing here only 2,827, or about 2 per cent, were illiterate. But the number of farm laborers fell to 4,412 and of farmers to 3,993, or 6 per cent only of the entire number of farmers and farm laborers. Only 6,277 servants came over, or 4.4 per cent only of the entire number of immigrant aliens.

It is obvious that the prospective farm laborers and domestic servants who would come over if not debarred by a literacy test would not seriously compete with any classes of our citizens, but would fill a very serious and important economic want. If necessary by approved legislation admission might take place on conditions limiting stay here of such immigrants, while aliens, to the period that they are engaged in

these two lines of activity. As it is we are simply debarring the only classes of persons who are likely to render such much-needed important service over here to our own great injury.

It is evident, therefore, that the literacy test is obstructive, not selective. It does not exclude the undesirable, and keeps away from the country just the kind of labor of which the country is very much in need. If coarse labor is not allowed to come in, either such work must go undone, or it must be done by a class of labor which despises both that kind of work and the pay which goes with it.

The educational test not only is not a test of an immigrant's education (because the ability to read 40 or 50 words in any language is hardly worthy of the name of education), but it is admittedly no guarantee of fitness in a new comer. It does not afford a proof either of a man's moral character, honesty, or intelligence—and all here present will agree that a man may be highly intelligent yet unable to read and write. It simply shows that the man lacked opportunity to go to school. On the contrary, it is a well-known fact, noted even by former President Cleveland when he vetoed the same measure in 1897, that many persons able to read belong to the criminal class. In New York, of all the persons arrested for different offenses and crimes in 1919, less than 2 per cent were unable to read and write. "Violence and disorder do not originate with illiterate laborers, but they are rather the victims of the educated agitator." (Cleveland.)

But the children of immigrants all attend school, which shows the appreciation shown by the newer immigrants for the free education this country affords.

Illiteracy is thus remedied in the second generation and, as these recent census figures show, there is to-day greater illiteracy among native whites of native parents than among native whites of foreign parentage. The average illiteracy of the former is 5.7 per cent and of the latter 1.6 per cent.

It may be well also to remember that there was a time in history when the ability to read and write, rather than being the privilege and mark of intelligence of high social standing was considered the attribute of the clerical class, scribes, and amanuensis. The nobly born, the grand cavalier, and statesmen considered it below their dignity to read and write. In the life of Dante, written by a great historian of the time, the following passage occurs:

"And he was a learned scholar although nobly born."

We are not in favor of unregulated immigration. We wish more than support for all measures intended to debar the physically and morally unfit, such as are contemplated in the present law. We agree that the immigration movement should not be considered from the viewpoint of sentiment, but merely as an economic factor, and as such the question to be determined in the present discussion is, Does our present immigration lower wages, increase unemployment, depress the standard of living, displace native workers and the older immigrants and thus do harm?

It has been claimed that immigration increases unemployment. As a matter of fact, immigration does not overstock the labor market, but it varies inversely with unemployment, because the business expansion which calls in the immigrant reduces unemployment and vice versa. There are always many people unemployed, especially in the slums of large cities but those are the people who are either crippled or disabled, or unwilling to work.

Some have said that immigration lowers wages and the general standard of living. As statistical analysis will show, wages are higher to-day than 30 or 50 years ago, and skilled labor has never been at any time or in any place above the present standard. In the period of the older immigration wages of unskilled labor and even of some of the skilled mechanics did not fully provide for the family support. The shortage had to be made up by the labor of the wife and children and even on our American farms, in the earlier periods, women and children were worked and overworked to bring the family out even at the end of the year.

On the other hand, actual advance in wages in many industries, reduction of hours of labor, increase in union membership and strength have gone on with increase of immigration. The new arrivals, instead of displacing skilled labor and pushing aside the American workman and the older immigrants, as claimed, have in reality been pushing them up and maintaining them on the higher economic levels.

And let us not forget that fully one-third of our brave boys that went overseas and made their supreme sacrifice for this country—and many of them were illiterate—were foreign born or the children of foreign parentage.

We do nothing to attract and protect the immigrants. They can be maimed and killed—and they are—without a cry and without indemnity. They may die from the "bends," working in the caissons under the river, without protest; they can be slowly asphyxiated in crowded tenements, smothered in dangerous trades and occupations

(which only the illiterate immigrant pursues, not the educated man); they can contract tuberculosis in insanitary factories and sweatshops, without a murmur, and then to do this country an additional favor, when they are so disabled and sick, they go back to their mother country to die, thus giving the American cities the credit of a low death rate.

At a time when this country is notoriously short of common manual laborers willing to dig ditches, build subways, and do other tasks that involve hard physical work, nothing could be less logical or more detrimental to the development of the country than to impose a literacy test on just that class of immigrants. Why, we ought to pay a premium to get this wonderful raw capital of energy and strength that has enriched this country in the past and will continue to enrich it in the future.

DR. ANTONIO STELLA,
Vice President Society for Italian Immigrants.

•

COMMUNIST AND ANARCHIST DEPORTATION CASES

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON IMMIGRATION AND NATURALIZATION

HOUSE OF REPRESENTATIVES

SIXTY-SIXTH CONGRESS

SECOND SESSION

APRIL 21 TO 24, 1920

STATEMENT OF W. A. BLACKWOOD

Decision of Secretary of Labor in Case of—

ENGLEBERT PREIS

Decisions of Assistant Secretary of Labor in Cases of—

W. T. COLYER

WILLIAM MARTIN JURGANS

GEORGE BLINIC

THOMAS TRUSS

ENRIQUE MAGON

SAM CRANE

JOHN BOCAS

GEORGE KOST

JOHN DUDINSKY

GUS KULMAN

PAUL BOSCO

ALEX SNELLENBERG

AND OTHERS

Digest of Cases Deported on U. S. Transport "Buford"

WASHINGTON
GOVERNMENT PRINTING OFFICE
1920

COMMITTEE ON IMMIGRATION AND NATURALIZATION.

HOUSE OF REPRESENTATIVES.

SIXTY-SIXTH CONGRESS.

ALBERT JOHNSON, Washington, *Chairman*.

ISAAC SIEGEL, New York.

HAROLD KNUTSON, Minnesota.

ROSCOE C. McCULLOCH, Ohio.

J. WILL TAYLOR, Tennessee.

JOHN C. KLECZKA, Wisconsin.

WILLIAM N. VAILE, Colorado.

HAYES B. WHITE, Kansas.

KING SWOPE, Kentucky.

ADOLPH J. SABATH, Illinois.

JOHN E. RAKER, California.

RILEY J. WILSON, Louisiana.

BENJAMIN F. WELTY, Ohio.

JOHN C. BOX, Texas.

L. B. RAINEY, Alabama.

P. F. SNYDER, *Clerk*.

INDEX.

[NOTE.—This index is intended as a rough guide to contents of these hearings. Letters and memoranda of Mr. Post, Assistant Secretary of Labor; Mr. Caminetti, commissioner general of immigration; Mr. Hoover, special assistant to the attorney general, as well as reports of inspectors and agents appear too frequently to be indexed in detail.—CLERK.]

ANARCHIST—	Page.
Definition of word by Assistant Secretary of Labor in connection with cancellation of warrant in Magon case	120
Philosophical, statement covering decision of Judge Aldrich with relation thereto in so-called "Boston anarchist cases"	132
ARTIMOWSKY, V., AND 38 OTHERS.	
Statement in connection with	58
BARTINCHUK, PAULO.	
Case of	67
BABIAZ, MICHAEL.	
Case of	71
BAYLY, DAVID.	
Case of	73
BLACKWOOD, W. A.	
Opening statement of	3
BLINIC, GEORGE.	
Case of	6
BOCOS, JOHN.	
Case of	21
BONDS OF ALIENS.	
Provisions of section 20 of act of February 5, 1917, relating to	78
Letter of Assistant Commissioner Byron H. Uhl concerning	78
Statement concerning amount of, in various cases	79
BOSCO, PAUL.	
Case of	87
BUISSES, CHARLES.	
Statement in connection with case of	40
BUSHKOFF, GABRIEL.	
Case of	53
COLYER, W. T.	
Order of deportation in case of	5
CRANE, SAM.	
Case of	137
DETROIT (MICH.) CASES.	
Telegrams with relation to	76
DUDINSKY, JOHN.	
Case of	26
ENGLE, JOHN.	
Case of	51
FILIPOVICH, MATT.	
Case of	68
FINAL DECISIONS.	
Correspondence with relation to speeding up, and cases of Blanar, Yumplot, Bordar, and Makohon in connection with	46-51
GAURELLO, ALBERT.	
Case of	133
HARNIN, STANLEY.	
Case of	31
HARTFORD, CONN.	
Communist cases at	59
HOME COLONY, LAKE BAY, WASH.	
Report in Bureau of Immigration concerning	105
JOHN JOHNSON.	
Case of	62
JURGANS, WILLIAM MARTIN.	
Order of deportation in case of	6

KLIMOVICH, VASIL.	Page.
Statement in connection with case of.....	39
KOSHEL, L.	
Case of.....	54
KOST, GEORGE.	
Case of.....	25
KULMAN, GUS.	
Case of.....	57
KUZNECK, OSIP, AND MUSEK, PETER.	
Cases of.....	55
LACZYNSKI, ALEXANDER.	
Case of.....	85
LASSEFF, A., ET AL.	
Memorandum of Assistant Secretary of Labor in connection with cases of..	136
MAY, A. ERNEST.	
Statement concerning deportation to Canada, and ordered returned to United States.....	135
MAGON, ENRIQUE FLORES.	
Case of.....	104
NOVOSAD, FRANK A.	
Case of.....	80
ODROBINA, FRANK.	
Case of.....	36
PANEPINTO, ANTONIO.	
Statement of Assistant Secretary of Labor in connection with case of.....	36
PHOTOGRAPHS OF ALIENS ORDERED DEPORTED.	
Failure to photograph those deported on Buford.....	80
PLACES OF DEPORTATION.	
Correspondence with relation to.....	75
POLIKIEWICZ.	
Case of.....	74
PROCEDURE IN DEPORTATION CASES.	
Change of rule 22 with relation to.....	41-45
RIGHTS OF ALIENS.	
Letter of Assistant Secretary of Labor with relation to.....	77
ROMANUK, CHRISTANT.	
Case of.....	70
SKLAROFF, SAMUEL.	
Case of.....	82
SNELLENBERG, ALEX.	
Case of.....	121
TRUSS, THOMAS.	
Case of.....	9
VAILLE, HON. WILLIAM N.	
Statement, in connection with case of Thomas Truss, in relation to constitution of Communist Party.....	18
WEINBERGER, HARRY.	
Letter of, to Bureau of Immigration, in case of Paul Bosco.....	99
WILSON, HON. W. B.	
Decision of, as to deportation of alien members of Communist Party (Preis case).....	1
WIRTH, LOUIS.	
Case of.....	33
ZOBEC, WILLIAM.	
Case of.....	37

APPENDIX A.

Anarchist cases in which Assistant Secretary ordered stay of execution. List of	142
Cases of aliens arrested for violation of act of Oct. 16, 1918—Warrants canceled, aliens released.....	143
Miscellaneous cases.....	145
Cancellation of warrants by Assistant Secretary of Labor in cases where field officers at Bureau of Immigration have recommended deportation.....	144

APPENDIX B.

Deportations on U. S. transport <i>Buford</i> . Digest of charges upon which aliens were deported thereon.....	148
Russian Workers' Union, excerpts from.....	149
Section of act under which Alexander Berkman and Emma Goldman were deported.....	158

COMMUNIST AND ANARCHIST DEPORTATION CASES.

COMMITTEE ON IMMIGRATION AND NATURALIZATION,
HOUSE OF REPRESENTATIVES,
Wednesday, April 21, 1920.

A subcommittee, called by Chairman Johnson, met at 7.30 p. m. and continued its sessions at intervals until Saturday, evening April 24.

The CHAIRMAN. As a result of the examination in the Department of Labor of papers pertaining to deportation cases, so far as such examination to date has been conducted by Mr. Blackwood and his assistants in behalf of this committee, copies of a number of the papers are ready for presentation to the committee.

With reference to the organizations known as the Communist Party, the Communist Labor Party, the Union of Russian Workers, and the Industrial Workers of the World, and membership therein with relation to the act of October 16, 1918, attention is invited to the following data:

First, as to the Communist Party and the Union of Russian Workers—the Communist Labor Party and the I. W. W. will be touched on later—the question as to whether or not membership in these two organizations brought aliens within the act before mentioned was, after careful consideration, decided by the Secretary of Labor in connection with the case of Englebert Preis (Bureau of Immigration file No. 54709/495), the Secretary at that time handing down a written opinion which was intended for use by his assistants and the Bureau of Immigration as a guide in passing on and deciding cases of a similar nature that might from time to time arise. The written opinion of the Secretary reads as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, January 24, 1920.

Memorandum for the Commissioner General.
In re Englebert Preis.

Age, 31; native of Austria; entered the United States at Port Huron, Mich., on November 13, 1915, having arrived in Quebec by steamship *Scotan*, June 14, 1914. This is a case arising under the provisions of the act of October 16, 1918.

It is alleged that the alien is a member of the Communist Party of America, which is affiliated with the Communist International. The alien admits membership in the Communist Party of America, and that it is affiliated with the Communist International. The sole question, therefore, to be determined by the Secretary of Labor is: Is the Communist Party of America such an organization as is described in the act of October 16, 1918, membership in which makes an alien liable to deportation. The language of the act applicable to this particular case is as follows:

"SECTION 1. * * * Aliens who are members of or affiliated with any organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States. * * *

"SEC. 2. * * * Shall, upon the warrant of the Secretary of Labor, be taken into custody and deported in the manner provided in the immigration act of February fifth, nineteen hundred and seventeen."

It will be observed that belief in, teaching, or advocating the overthrow of the Government of the United States is not alone sufficient to bring any organization within the scope of the act. There must in addition be a belief in, teaching, or advocacy of force or violence to accomplish the purpose. Bearing that in mind we may proceed to an examination of the facts.

The manifesto and program and constitution of the Communist Party of America and the manifesto of the Communist International are submitted in evidence and their authenticity admitted. The constitution of the Communist Party (see p. 19 of the manifesto) requires that:

"SEC. 2. Applicants for membership shall sign an application card reading as follows:

"The undersigned, after having read the constitution and program of the Communist Party, declares his adherence to the principles and tactics of the party and the Communist International; agrees to submit to the discipline of the party as stated in its constitution and pledges himself to engage actively in its work."

An examination of the documents submitted clearly demonstrates the fact that it is the purpose of the Communist Party to overthrow the Government of the United States. There are many statements that might be quoted showing that purpose. The two following are typical. On page 9 of the manifesto and program the statement is made:

"Communism does not propose to 'capture' the bourgeois parliamentary state, but to conquer and destroy it."

And again on the same page:

"The proletarian class struggle is essentially a political struggle. * * * The objective is the conquest by the proletariat of the power of the state."

Many other statements of similar purport are to be found in the same document. After having found that it is the purpose of the Communist Party to conquer and destroy the Government of the United States the next point of inquiry is as to how the conquest is to take place.

It is apparent that the Communist Party does not seek to attain its objective through the parliamentary machinery of this Government, established by, and operated under, the Constitution. That is made sufficiently clear by the following excerpt from page 15 of the manifesto referred to:

"(b) Participation in parliamentary campaigns, which in the general struggle of the proletariat is of secondary importance, is for the purpose of revolutionary propaganda only."

And again from pages 9 and 10 of the same document:

"In those countries where the conditions for a workers' revolution are not yet ripe, the same process will go on. The use of parliamentarism, however, is only of secondary importance."

And further on page 10:

"The parliamentarism of the Communist Party performs a service in mobilizing the proletariat against capitalism, emphasizing the political character of the class struggle."

The parliamentary processes established by our Government are to be discharged or used for propaganda purposes only and other means adopted for overthrowing the Government of the United States. These means are stated at considerable length and frequently reiterated, seemingly for purposes of emphasis. The conquest of the power of the state is to be accomplished by the mass power of the proletariat.

Strikes are to be broadened and deepened, making them general and militant, and efforts made to develop their revolutionary implications. The strike is to be used not simply as a means to secure redress of economic wrongs, but as a means through which the Government may be conquered and destroyed. A few excerpts from the Communist Party and Communist International manifestos will make these statements evident.

Thus on page 10 of the manifesto and program of the Communist Party of America is the following:

"The conquest of the power of the state is accomplished by the mass power of the proletariat. Political mass strikes are a vital factor in developing this mass power, preparing the working class for the conquest of capitalism. The power of the proletariat lies fundamentally in its control of the industrial process. The mobilizing of this control against capitalism means the initial form of the revolutionary mass action that will conquer the power of the state."

And again on page 11 of the same document:

"Mass action is industrial in its origin, but it acquires political character as it develops fuller forms. Mass action, in the form of general political strikes and demonstrations, unites the energy and forces of the proletariat, brings proletarian mass pressure upon the bourgeois state. The more general and conscious mass action becomes, the

more it antagonizes the bourgeois state, the more it becomes political mass action. Mass action is responsible to life itself, the form of aggressive proletarian struggle under imperialism. Out of this struggle develops revolutionary mass action, the means for the proletarian conquest of power."

And further on page 12, the same document:

"Strikes of protest develop into general political strikes and then into revolutionary mass action for the conquest of the power of the state. Mass action becomes political in purpose while extraparliamentary in form; it is equally a process of revolution and the revolution itself in operation."

Then on page 16:

"The Communist Party shall participate in mass strikes, not only to achieve the immediate purpose of the strike, but to develop the revolutionary implications of the mass strike."

And then, making the purpose still more clear, we have the following from page 30 of the manifesto of the Communist International, with which the Communist Party of America is affiliated and whose manifesto is accepted as part of the policy of the party:

"The revolutionary era compels the proletariat to make use of the means of battle which will concentrate its entire energies, namely, mass action, with its logical resultant direct conflict with the governmental machinery in open combat. All other methods, such as revolutionary use of bourgeois parliamentarism, will be of only secondary significance."

From these quotations and numerous other statements in the manifesto, not here quoted, it is apparent that the Communist Party of America is not merely a political party seeking the control of affairs of state, but a revolutionary party seeking to conquer and destroy the state in open combat. And the only conclusion is that the Communist Party in America is an organization that believes in, teaches, and advocates the overthrow by force or violence of the Government of the United States.

It does not devolve upon the Secretary of Labor officially to determine whether Congress was wise in creating the law, or the Communist Party wise in creating the facts. It is his duty to apply the law to the facts as he finds them. It is mandatory upon him to take into custody aliens who are members of this organization and deport them in the manner provided for in the immigration act of February 5, 1917.

Your memorandum of January 17, 1920, recommending that the department issue its warrant for the deportation of Englebrert Preis, such deportation to be to Austria, at Government expense, is hereby approved.

W. B. WILSON, *Secretary*.

The CHAIRMAN. The members of the committee are familiar with this decision by Secretary Wilson in regard to members of the Communist Party; the committee is familiar also with the fact that Messrs. W. A. Blackwood and Thomas M. Fisher were designated to examine papers in the cases of aliens taken into custody for deportation and to make an impartial report thereon. They were instructed to make a report not only upon the substance of the evidence in deportation cases but also inform the committee concerning the methods of handling those cases in the Department of Labor and the Bureau of Immigration.

We will now hear Mr. Blackwood.

Mr. BLACKWOOD. In view of the foregoing opinion or decision of the Secretary of Labor, which the chairman referred to, it would seem that alien members of the Communist Party were subject to deportation under the act before mentioned. It would further seem that the only evidence necessary to obtain said deportation would be proof of alienage and membership in the Communist Party.

Believing therefore that the question was settled once and for all, additional number of aliens whom it was believed belonged to the Communist Party were taken into custody and warrants of arrest on a deportation proceeding obtained. Hearings were accorded as rapidly as possible under existing circumstances. However, a lack of

clerical force and competent interpreters delayed these hearings to some extent. Additional delay was caused by attorneys appearing in behalf of the arrested aliens and also by the lack of a sufficient reviewing force in the Bureau of Immigration.

Something like 3,000 aliens were taken into custody on warrants of arrest, and it naturally followed that in some instances the aliens so arrested were later shown not to be connected with the party in question. These were released as early as possible, and as a matter of fact composed a very small per cent of the number arrested.

In order that the data which follows may be better understood, a brief idea of procedure in a deportation case is herewith set forth.

On a prima facie showing a warrant of arrest is issued by the Secretary of Labor or the Acting Secretary, or in his absence the Assistant Secretary. Whenever the circumstances will permit a formal application for a warrant of arrest is made by the field officer setting forth the facts showing probable cause for the alien's deportation. In cases where the circumstances will not permit, a telegraphic request for a warrant is made, it being understood that in the opinion of the officer making the application for the warrant he had sufficient facts at hand to justify his action. He is also required, at the time he makes the telegraphic request or application, to forward by mail to the department, through the bureau, a formal application for a warrant, setting forth therein the facts at hand to show probable cause. These facts are not touched on in his telegraphic application, that merely giving the name of the alien, and the grounds on which the warrant is requested, that is, the particular charge on which the alien is alleged to be in the United States in violation of law.

After receiving the application of the field officer, the Secretary, the Acting Secretary, or the Assistant Secretary issues a warrant of arrest, which is forwarded to the field officer, who then proceeds to give the alien a hearing on said warrant, a written record being made of the entire proceeding. That written record is sent to the Bureau of Immigration when completed. The bureau then, through its law examiners, reviews the record and prepares a memorandum of all salient points, together with a recommendation, which is submitted to the Commissioner General of Immigration, who after a review, if the summary and recommendation meet with his approval, signs same and the complete record of hearing, together with the memorandum and recommendation (which is commonly called a bureau "memo"), is transmitted to the department for the action of the officer in charge, whose decision is supposed to be final.

The foregoing was the procedure followed in handling the so-called "communist cases." When the cases first started to arrive at the department for final action, the department was in charge of the Acting Secretary, and the bureau, following its usual procedure, left a place at the bottom of its memorandum for the signature of the Acting Secretary, over his title, which also bore the word "approved" or "cancel" as the case might be, according to the recommendation of the Commissioner General as based on the review of the evidence adduced in the case. In practically all of the cases submitted while the Acting Secretary was in charge he agreed with the bureau's recommendation and signed accordingly. It is of

interest to note in the light of what followed that in nearly every instance he ordered the alien deported on the ground that he was a member of the before-mentioned party.

The Acting Secretary, however, was called away shortly after, about March 6, 1920, and the Assistant Secretary then became the officer to make the decisions in the cases. One of his first acts was to issue instructions to change the form of the bureau memoranda by striking out the word "approved" and substituting the word "deport" whenever the bureau recommendation was to the effect that the charge against the alien was sustained. Just what his idea was in this is, of course, problematical, but, in the light of what followed, the natural conclusion is that, even if he was obliged to order an alien deported under the decision which had been handed down by the Secretary as a guidance, he did not care to be put on record as approving said action.

That he was in duty bound by the decision of the Secretary, hereinbefore set forth, there is no question, and at times he himself must have so considered. This is shown in a memorandum decision handed down by him March 19, 1920, in the case of W. T. Colyer (Bureau file No. 54810/209), wherein he says: "The task of making that decision does not fall on me, the Secretary of Labor in person having already made it." The complete decision in this case reads as follows:

MARCH 19, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: W. T. Colyer (alleged communist), No. 54810/209.

There is no evidence in this case which brings the alien within the deportation provisions of the act of Congress of October 16, 1918, or any other immigrant exclusion or expulsion law, except the evidence that he is a member of the Communist Party. This membership is frankly admitted by the alien.

Therefore, the only question for the Secretary of Labor to decide is whether or not the Communist Party is an organization, within the meaning of sections 1 and 2 of the act of October 16, 1918, "that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law; or that entertains or teaches disbelief in or opposition to all organized government; or that advocates the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally of the Government of the United States or of any other organized government, because of his or their official character; or that advocates or teaches the unlawful destruction of property."

The task of making that decision does not fall upon me, the Secretary of Labor in person having already made it in a case which is identical in the finding of fact as to membership, namely, that the alien is a member of the Communist Party. The Secretary's decision, by which I am bound and with which I agree, was set out in a memorandum in the case of Preis (No. 54709/495). A copy is hereto attached.

Upon that interpretation of the Communist Party documents and the fact hereby found that the alien in the present case is a member of the same Communist Party, and upon that fact and that interpretation alone, it is hereby directed that the alien be deported.

To enable the alien to conserve any rights he may have under the law in consequence of this administrative decision, let all proceedings be suspended for 30 days. Meanwhile, transmit a copy of this memorandum for his information to the alien's counsel, Morris Katzeff, Esq., 736 Old South Building, Boston, Mass.

LOUIS F. POST,
Assistant Secretary

A similar decision was handed down by the Assistant Secretary on March 18, 1920, in the case of William Martin Jurgans, Bureau file No. 54681/149. This decision reads as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, March 18, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: William Martin Jurgans (No. 54861/149).

There is no evidence in this case which brings the alien within the deportation provisions of the act of Congress of October 16, 1918, or any other immigration exclusion or expulsion law, except the proof that he is a member of the Communist Party. But this membership is not only proved; it is admitted by the alien, and the conclusiveness of the proof is conceded by his counsel.

Therefore the only question for the Secretary of Labor to decide is whether or not the Communist Party is an organization within the meaning of sections 1 and 2 of the act of October 16, 1918, "that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government; or that advocates the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally of the Government of the United States or of any other organized government, because of his or their official character, or that advocates or teaches the unlawful destruction of property." The proof tending to give this unlawful character to the Communist Party is wholly documentary. It consists of Exhibits 1, 2, 3, 4, 5, 6, 7, and 8, which appear in this file as having been introduced in evidence at the hearing had pursuant to the warrant of arrest. The question therefore resolves itself into one of interpreting those documents with reference to the act of 1918.

The task of making that interpretation does not fall upon me, the Secretary of Labor, in person having already made it in a case which resembles this one in the finding of fact as to membership, namely, that the alien is a member of the Communist Party. The secretary's interpretation, by which I am bound and with which I agree, was set out in a memorandum in the case of Preis (No. 54709/495). A copy is hereto attached.

Upon that interpretation of the Communist Party documents and the fact is hereby found that the alien in the present case is a member of the same Communist Party, and upon that fact and that interpretation alone, it is hereby directed that the alien be deported.

To enable the alien to conserve any rights he may have under the law in consequence of this administrative decision, let all proceedings be suspended for 30 days. Meanwhile, transmit a copy of this memorandum for his information to the alien's counsel, Arthur Le Sueur, Esq., 917-918 Pioneer Building, St. Paul, Minn.

LOUIS F. POST,
Assistant Secretary.

CASE OF GEORGE BLINIC.

That he changed his mind with reference to the "task of making the decision" not falling on him is shown in the case of George Blinic, bureau file No. 54811/993, wherein the Assistant Secretary undertook "the task" of interpreting what Congress had in mind when it used the word "member" in connection with the act of October 16, 1918. In order that a full understanding of this case may be obtained, the summary and recommendation of the Commissioner General of Immigration, prepared after a careful review of all evidence adduced, is quoted in full as well as the memoranda decision of the Assistant Secretary. The Commissioner General's memorandum and the decision of the Assistant Secretary read as follows:

Memorandum for the Assistant Secretary.

APRIL 1, 1920.

In re George Blinic, or Blainic, Austrian, native of Croatia; age, 36; wife in East St. Louis.

This alien was arrested on the department's warrant of January 7, issued upon the basis of a telegraphic application from the inspector in charge at St. Louis. This

application, in turn, was based upon prima facie evidence obtained pursuant to the establishment regulations of the department, by a preliminary questioning of the alien, under oath, by a duly sworn inspector of the Immigration Service. During the course of this sworn testimony the alien stated that he is a member of the Communist Party of America; that he joined it because "several fellows came there and talked to me and explained everything about it."

At the hearing accorded the alien under the terms of his warrant, at which hearing he was represented by Attorney Charles A. Karch, he repeated, in substance, the testimony given by him at the hearing accorded him prior to the issuance of the warrant, in so far as related to his membership in the Communist Party of America. The testimony given during the course of this hearing would further indicate the alien was first a member of the South Jugo-Slav International Socialist Party, which amalgamated with the Communist Party of America, apparently in the month of October, 1919. The minutes of the organization show that the alien was present at the meeting when it was decided to take out a charter and become a part of the Communist Party of America. It is also shown that the charter given the local organization by the Communist Party of America was displayed on the walls of the meeting place of said local. Notwithstanding some testimony to the contrary, it is entirely obvious that alien had knowledge of the change in the organization to which he professes he belonged and knew that he was a full-fledged member of the Communist Party.

Unsupported allegations of the alien made at the hearing herein, after his arrest, concerning membership, or nonmembership in, or affiliation, or nonaffiliation with the Communist Party, or his claim of lack of knowledge of or belief in its principles, or his alleged withdrawal from said party, constitute self-serving declarations which, unless supported and proven by competent evidence based on his acts, declarations and circumstances occurring anterior to such arrest can not be accepted as sufficient cause in law to warrant his release in the pending proceeding. Such allegations to the extent that they have been made by the alien herein have not been established by competent evidence.

That alien is a member of the Communist Party of America is indisputably established on the record and conceded by counsel in his brief. Counsel raises the question, however, whether or not alien consciously became a member of this organization, or really appreciated that he was a member of it up to the time of his arrest. The alien's testimony in this respect speaks for itself, and shows that when he gave his preliminary testimony before the examining inspector, this previous to his arrest in deportation proceedings, he knew that he was a member of this party. Judging from the equivocal nature of the testimony as then given by him, he must also have had some idea that this was not a proper organization for anyone committed to American ideals to belong to.

The act of October 16, 1918 (with which act we are here concerned), provides as follows:

"That aliens * * * who are members of or affiliated with any organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States, or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government * * * shall, upon the warrant of the Secretary of Labor, be taken into custody and deported in the manner provided in the immigration act of February 5, 1917. The provisions of this section shall be applicable to the classes of aliens mentioned in this act irrespective of the time of their entry into the United States."

There is no need for speculating as to what Congress meant when it enacted the legislation above referred to. Its intentions are written in the act in plain, unambiguous language, susceptible of but one interpretation; that is, the mere membership in an organization of the character proscribed by the act shall render deportation mandatory. This act Congress has committed to the Secretary of Labor for enforcement, and nowhere in its context can there be found a passage which even remotely suggests it intended that in cases of proven membership in such an organization the Secretary should be put to the task of inquiring as to the state of mind of the individual at the time he lent strength to the organization by becoming a member, or what his attitude of mind, as an individual, toward the Government of the United States may have been at the time of his arrest. Congress having failed to write into the statute such a proviso, it would be manifestly improper administratively, it seems to the bureau, to attempt to import therein such a provision; in fact, to do so would be so supersede the laws enacted by Congress with administrative legislation.

The alien admits, and the evidence submitted and adduced establishes, that he is a member in good standing of the Communist Party of America, an organization which the Secretary of Labor has held to be one which entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United

States. It accordingly follows that he is subject to deportation under the act of October 16, 1918, and the bureau recommends that the department issue its warrant to that end, deportation to be accomplished at Government expense. Pending such time as the deportation warrant can be executed, alien should be permitted to remain at large on the bond which he has furnished.

A. CAMINETTI,
Commissioner General.

Deport:

_____,
Assistant Secretary.

(NOTE.—Unsigned by Assistant Secretary.)

(Letter of attorney to Assistant Secretary hereunder.)

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, D. C., April 8, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: In re George Blinik, or Blainic, No. 54811/993.

The word "members" in the statute of October 16, 1918, must be so limited in its application as not to lead to injustice, oppression, or an absurd consequence. A membership to which the alleged member has never knowingly given his assent can not be regarded as membership in any reasonable sense. The principles of the *Church of the Holy Trinity v. The United States* (143 U. S., 457) is applicable. In that case Mr. Justice Brewer, delivering the opinion of the Supreme Court, conceded that the immigrant labor contract in question was within the letter of the act of Congress, yet held that it was not proscribed by that act. "It is a familiar rule," he said, "that a thing may be within the letter of the statute and not within the statute because not within its spirit nor within the intention of its makers," and, referring to the fact that court reports are full of cases illustrating the application of that principle, he quoted with approval these words from an earlier decision:

"All laws should receive a sensible construction. General terms should be so limited in their application as not to lead to injustice, oppression, or an absurd consequence. It will always therefore be presumed that the legislature intended exceptions to its language which would avoid results of this character."

In the case in which Mr. Justice Brewer delivered that opinion for the whole court, the Supreme Court decided that a contract by a church for the services of an alien minister, to be performed in this country upon his immigration into it, was not prohibited by the statute, even though that statute in terms comprehended "all kinds" of labor and "all kinds" of service other than those it specifically excepted, and notwithstanding that the exceptions did not include the contract in question. Since the Supreme Court applied this familiar principle of construction to a statute, which in the case at issue involved only a pecuniary penalty, and inasmuch as the courts will not review decisions of the Secretary of Labor except in cases in which he absolutely exceeds his jurisdiction, it would seem to be of the highest importance, in the interest of the American principles of personal liberty, that the Secretary of Labor so construe the language of the act of October 16, 1918, as to prevent the imprisonment and deportation of domiciled aliens who have not knowingly become members of an organization which the Statute proscribes.

LOUIS F. POST,
Assistant Secretary.

Cancel.

LOUIS F. POST.

In this same connection attention is directed to the list of cases which will appear elsewhere in this report, in which the Assistant Secretary cancels warrants with only a memoranda of a few words, in many of which he takes upon himself "the task" of deciding that the alien is what he terms "an automatic member" of the communist party and thereby not subject to deportation.

CASE OF THOMAS TRUSS.

Of interest is the case of Thomas Truss, bureau file No. 54860/67. A summary and recommendation was submitted by the examining inspector and same is full and complete and is based on, and supported by, the evidence adduced at the hearing.

The record went to the Assistant Secretary for decision without a summary and recommendation from the commissioner general though it is true that what purported to be a summary expressing the commissioner general's views went with the record to the Assistant Secretary. This last-mentioned document was prepared by one of the Assistant Secretary's confidential men in the department who while employed as a mediator for the department was placed in the position of reviewing communist cases in the Bureau of Immigration, doing the work of a law examiner, having been so placed by the Assistant Secretary himself against the wishes of the commissioner general. This man, as before mentioned, was a confidential man of the Assistant Secretary (this will appear in other parts of this report) and in writing the memoranda referred to expressed his own individual views which in this case were not the views of the commissioner general nor was his summary borne out by the evidence in the case. As to whether this "examiner" personally took this case to the Assistant Secretary for his attention and action or whether it got to him in some other way is not known, but it is certain it did not go through the official channels, that is, through the commissioner general, nor was this last-named officer given an opportunity to express his views on the case or make a recommendation. A letter dated April 2, 1920, from the Assistant Secretary to the commissioner general, throws but very little light on this phase of the matter.

The Assistant Secretary rendered a lengthy decision in this case and canceled the warrant. This decision is dated April 6, 1920.

In the files of the Bureau of Immigration this decision is followed by a memorandum from the Law Division to the Commissioner General, which clearly indicates that the heart has been taken out of the bureau in so far as the enforcement of the act in question goes.

These documents read as follows in the order mentioned above:

No. 5401.

UNITED STATES DEPARTMENT OF LABOR,
OFFICE OF COMMISSIONER OF IMMIGRATION,
Baltimore, Md., February 12, 1920.

COMMISSIONER OF IMMIGRATION,
Baltimore, Md.:

In the matter of Thomas Truss, subject of warrant of arrest No. 54860/67, dated January 9, 1920, to whom hearings were given on January 20 and subsequent date, I beg leave to make the following report, and hand you transcripts of the record, to which are attached numerous exhibits.

The alien is 33 years of age, a native of Russia, of Polish race, and claims to have entered the United States at this port in 1907. He has not declared his intention to become a citizen of this country. He married in this city in 1912 and has a wife and three children living here.

The testimony in this case is most voluminous, made necessary in part by alien's insistence in talking in English, which he did with the exception of comparatively few instances when the use of an interpreter was imperative. The record will demonstrate that alien's English is very poor, and that the stenographer had great difficulty in recording his answers as given. Alien was represented by three attorneys, who with others of their firm have joined in the signing of the accompanying brief, which criticizes most severely the entire administrative procedure; characterizes the hear-

ing as most unfair, the examining inspector as arbitrary and prejudiced; and as using reprehensible methods in questioning. The attention of the reviewing authorities is especially invited to this brief, and because of its comprehensiveness, the standing of the counsel, the analysis of the testimony, and the criticisms made it should have earnest consideration in the deciding of the case.

I shall endeavor to outline what the records, the seeming facts, disclose in this case in support of the warrant charges, and as indicating membership in such an order as is described in the act to which the warrant is based. As is fitting, I shall attempt to do this in disregard of the clamor and prejudice that have been injected into the proceedings.

On page 4 alien states that he used to belong to the Communist Party, which he joined about June or July, 1919, but that said organization ceased to exist "because it didn't have so many members." He had attended a meeting in this city last summer addressed by one Pinsky, an organizer from out of town, who advised the Polish people to form a branch here of the Communist Party, and detailed the difference or distinction between the Socialist Party and the proposed new one. Alien claims that this man on the preceding night had addressed a meeting of the branch of the Amalgamated Clothing Workers of America, of which alien is chairman or president, and that on this occasion alien first met Pinsky and came to know him. Alien claims that he went to the I. W. W. hall on this second night with this organizer simply because the latter had asked him to do so, the organizer saying he did not know the location (p. 6). He admitted that Pinsky was at that time an organizer of the Polish section of the Socialist Party, and at first seemed to admit that he distributed circulars advertising this meeting, which was on August 13 last. However, to his attorneys alien stated that the meeting for which he passed out circulars was that held on the first evening of Pinsky's visit here, when the latter addressed the clothing workers (p. 35). The testimony concerning these two meetings and alien's connection with and interest therein is quite involved and contradictory, so that it should be carefully studied.

Alien admitted that some one else had made out the application card for membership in the Communist Party in his name, which is Exhibit A, but after several questions on the point professed not to know whether same was in the writing of the organizer Pinsky or in that of one Marosz (Andred Marosz), who had been elected temporary and later permanent secretary of the Polish branch of this party in this city, to which alien belonged. Alien identified his membership card (Exhibit B), which shows the date of his admission to have been September 5 last, and bears the indorsement of Marasz as secretary. Alien stated that he had this card in his house and that it was "laying" on his desk. To the examiner of the Department of Justice alien stated under oath January 8 (see Exhibit P) that he had lost the one he got at a mass meeting, and did not know where it was. This card carried a 50-cent initiation stamp in the Communist Party in the space for the month of September, and canceled dues stamps for October and November, and alien acknowledged making these payments.

Alien was shown his name and statements of dues paid in the so-called membership book of the small Polish branch of the Communist Party, identified as such by the secretary who kept it, Andrew Marosz, and which is an exhibit in the latter's own case (warrant No. 54860/351). Alien thinks that this secretary was the delegate from the Polish local to the city central committee, which is a fact. Alien corroborated the statements made by Marosz, and which are referred to in the back of the membership and dues book noted above, that he, Truss, sold certain books, received from Chicago, but published by or for the Polish paper, Glos Robitniczy, in Detroit. Some of the proceeds of these sales, a proportion of the price of each book, was turned in by alien to Marosz, the secretary (p. 10), as revenue for the branch. The paper referred to is the organ of the Communist Party in the Polish language, of which alien is aware (pp. 11 and 23); and alien has subscribed thereto for five or six months. Indeed, Exhibit I, a letter from this paper to alien, dated June 14, 1919, evidences that he sold said paper in this city, was paid \$9.10 by check at that time, and that 10 copies would be sent every day to him. Alien admitted serving as agent and distributor, and received subscriptions. He endeavored to tell how much he made from this work, but thinks he stopped acting in this capacity in December (pp. 22, 23). Alien knew that Marosz, the secretary of his branch, received from Chicago a charter therefor and had taken it away to have it framed (pp. 11, 16, 39).

Alien denied he was a member of the Union of Russian Workers, but asserted that he once joined the Russian Workers' Organization, but can't tell just when that was. Attention is invited to the questioning and answers on this feature, found on pages 17, 18, 19, 33, and 34. Exhibit C is a card in alien's name of membership in the Russian Workers' Organization with a seal on the outside bearing the date of Septem-

ber 30, 1917, and it contains inside under the heading "1919" several impressions of a stamp reading March 1, 1919. It is not known definitely to what the latter stamp referred, and alien did not throw any light upon it, but the record book of the financial secretary of the Russian Workers' Organization, later the Union of Russian Workers, No. 1, of Baltimore, who was John Brunert, and who was deported on the *Buford*, shows alien as T. Truss, and paying 75 cents from October to December, 1917, and \$3.45 through 1918, and \$1 in March, 1919. Alien finally denied he made this last payment. On the premise that, from these records, alien at least had been a member of the Union of Russian Workers, certain extracts from a translation of Nowimirsky—Manifesto of Anarchists-Communists—were read into the record, and the entire translation entered as Exhibit KK.

Alien admitted as his a receipt for \$2.50 from the secretary treasurer of the Workers' Defense Union in this city, T. S. Wetter, who alien "guesses" is also the local organizer of secretary of the I. W. W. This receipt represented the sale of 25 buttons by the local of the Amalgamated Clothing Workers, of which alien was chairman, to help some of their members who had been arrested because of their membership in the Union of Russian Workers last November (see Exhibit D). The Department of Justice found many circulars, books, pamphlets, etc., in alien's desk at his home, and one of them, Exhibit E, is a blank from the executive secretary of the Communist Party, in Chicago, asking for subscriptions for the work of the party, and detailing various purposes for which funds and contributions were needed. Alien is very vague and contradictory as to how he came to receive this circular, but said only one came (pp. 20, 21). On page 22, he identified four blank application cards for membership in the Communist Party, found in his desk, and Exhibit H hereto, as having been received by him in a letter from Chicago.

Alien received a letter from some man in Chicago, whom he states he did not know (which, with translation and envelope, is Exhibit J), and which letter refers to the writer's not being able to come to Baltimore to address alien's local.

Alien stated on direct examination that this letter was received in the envelope referred to, which bears a notation in an upper left-hand corner "Polish S. S. P.," and an address which later was the headquarters of the Communist Party of America. Alien defines these initials, etc., as the Polish Section Socialist Party, and states he thinks this organization was transferred to the Communist Party. Alien later was not sure than this letter was received in the envelope he identified, and which is postmarked August 5, 1919, and which preceded by over a week, Pinsky's address in this city (pp. 25, 40), alien having stated that he presumed Pinsky gave the writer of the letter alien's address. Other papers and books and pamphlets, found in alien's home, were likewise introduced as exhibits, some by me and some by alien's counsel. One circular in English, found with others in Exhibit L, is a blank application for charter in the Communist Party of America; others in this exhibit in English being the well known circular of said party "Your shop" and "Break the blockade of Russia." Alien claimed he was holding these temporarily for the secretary, Marosz, who had handed them to him (p. 26).

Exhibit O is a book of blank receipts and stubs bearing the seal of a branch of the Industrial Workers of the World, to which alien belonged in this city several years ago. It was, so he said, for the purpose of noting receipts of money for the benefit of this organization, but alien claimed he made no collections. To his attorneys, he said it was about eight years ago that he was a member of this order, and joined simply because the shop in which he was working then was organized in that union, but that he left this order when he ceased working in said shop.

Much questioning and controversy were based upon the paper which is Exhibit LL, a report from the files of the Department of Justice, regarding alien's alleged presence at a meeting of some vaguely described organization on July 20 last, at which Truss was said to have been a speaker and to have made certain declarations about his membership in the Union of Russian Workers at that time. Alien consistently denied having been at any such meeting or of having made the substance of the statement attributed to him therein. Counsel in the submitted brief criticized severely the introduction of this report and intimate that it really does not pertain to their client. It seems to me that it should not receive consideration against the alien, as it is secondary and altogether hearsay evidence, and the agent who supposedly was present at the time, was not produced or named by the Department of Justice. It was entered in the record for what worth it might be considered, which in my opinion is negligible.

To his attorney, alien admitted (p. 40) that he was many times in the meeting of his local branch here of the Communist Party. He made several guesses as to what month this branch, which he claims has become defunct, held its last meeting, finally saying it was in October. There is no proof of this other than alien's claim, and it is

contravened by the fact that the secretary of the branch, Marosz, sent to the party headquarters in Chicago on October 13 for \$6 worth of dues stamps, and for the charter, and alien knows of this (p. 11); and one of the circulars printed in Polish, just preceding the blank application for charter, in Exhibit L, is dated October 28, and was found in alien's home.

Extraneous to matter directly connected with the warrant charges, counsel introduced several witnesses, including alien's wife and the pastor of the church in which he is an elder, to prove alien's good character, religious affiliation, peaceable disposition, his love for this Government and its institutions, and his generosity in buying a Liberty bond, contributing to the Red Cross, and other patriotic activities. The witness, Rev. Paul Fox, testifying on pages 58 to 62, inclusive, related alien's connection with his church, and told that while alien did not attend the Americanization class in English, he has attended faithfully the general lectures which are intended to acquaint all the foreign citizens with our institutions. To me, witness stated that these lectures in the Polish language have the same object in view as the Americanization English classes, and tell the people how they can become citizens of this country. That in these lectures, which Truss has attended, the hearers are told just how they could obtain information as to when they arrived in this country. Compare these statements with alien's testimony that in some past year, not definitely stated, he did apply for his first papers, but could not obtain them because of his ignorance of the exact date of his arrival in this country. Alien admitted that he knew that such information could be obtained in this office, where records of arrival at this port are filed; yet despite this knowledge, and what he has been hearing at the lectures at his church since 1910, he has made no serious attempt to declare his intention of becoming a citizen; thereby bringing into serious question his professed admiration and love for this Government.

To exemplify what may have been alien's real attitude toward our participation in the World War, I respectfully refer to the testimony of his wife, on page 29. She was justly proud of the fact that her brother had fought with the American Army in France and had died of wounds. When asked by counsel if the alien urged his brother-in-law to join or volunteer, Mrs. Truss stated that her husband said, "If you join it, you know your parents not in good condition; you might stay and help them." The next question of counsel was, "Did Mr. Truss have anything to do with his joining?" The answer being in part, "He didn't have anything to do with it, but he told my brother not to join it because he would be killed." Counsel seemed to omit referring to this testimony when dilating upon the alien's spirit of patriotism and Americanism.

Summing up, then, it would seem from the above analysis of testimony and exhibits, dispassionately, reasonably, and fairly, that both alien's membership in and affiliation with the Communist Party of America have been established. His acting as subscription agent and distributor of the Polish organ of the Communist Party, would in itself evidence affiliation, as distinguished from actual membership. It remains, then, to determine whether the Communist Party is one embraced within the language of the act of October 16, 1918. The extracts from the publications and proclamations of said party, read into the record, clearly prove, in my opinion, that this party does teach, advocate, and believe in the inimical doctrines detailed in the warrant of arrest. As a sequence, the warrant charges have been sufficiently established, and deportation is recommended.

Alien is at liberty under bail of \$1,000.

A. R. ARCHIBALD,
Immigrant Inspector.

MARCH 29, 1920.

Memorandum for the Assistant Secretary.

In re Thomas Truss; age 23; Polish wife and three American-born children with him; literate; clothes presser; landed at Baltimore in 1907, steamship *Cassel*, North German Lloyd Line; released on bond.

Warrant issued January 9, 1920, alleging that the alien is in the United States in violation of the act of October 16, 1918, for the reasons outlined in the warrant, copy of which is in the record. He was arrested on the 7th of January by Department of Justice officials. A hearing was accorded the alien at Baltimore on January 20, the alien being represented by counsel.

The testimony is voluminous and the alien was examined at length.

He testified that he had endeavored to take out his first citizenship papers, but that because he could not remember the date of his arrival in this country he could not get them; that he had always lived in Baltimore since his entry, where he had married and had three children, American-born, living. It appeared that for years

he had been regularly attending services of the Presbyterian Church, and that since 1916 he had been an elder of St. Paul's Presbyterian Church, and that he was a faithful attendant at the lectures of the church, the purpose of which was to acquaint alien with American institutions. His own clergyman and others testified that they did not regard him as at all dangerous or inimical to American institutions or organized government. He subscribed to a Liberty bond, contributed to the Red Cross, and other patriotic purposes. He was chairman or president of a local of the Amalgamated Clothing Workers.

He says he joined the Communist Party of America in June or July, 1919. The manner of this so-called "joining" was as follows: In July some one at the meeting of the Amalgamated called his attention to the fact that a man named Pinski, a Polish speaker, who was on a lecture tour, was to be in Baltimore for a day, and the local desired to have Pinski address the organization. The alien appears to have assisted in making the necessary arrangements to hold a mass meeting which Pinski should address. Pinski delivered the lecture August 13. The evidence in the record is clear that at this meeting Pinski confined himself to trade-unionism, and that he said nothing of the Communist Party.

At the request of Pinski, Truss announced that Pinski would speak on the following evening at another hall, frequented by members of the I. W. W., in Baltimore, to which those present were invited.

The alien attended this second meeting, at which it appears that general socialistic principles were discussed and the progress of humanity touched on, leading up to the conclusion that everything should be socialized "like mines, the railroads, and so everything shall belong to the Government, and the people have a good living." From the record it must be concluded that the changes to be brought about by force and violence were not mentioned. At this meeting the alien and a few others represented themselves as willing to join the party. Pinski advised the formation of a Polish branch of the Communist Party and promised to send another speaker to explain the doctrine of the party, but this speaker never appeared.

The alien did not make a formal application for membership—he did not sign an application. An application was made out for him and signed by Pinski or by Marosz, he did not know which. However, it was not signed by alien. Marosz was one of those willing to join, and was selected by Pinski to act as temporary secretary. It is unimportant who signed the card. If the alien did not know the principles he could not be bound by any signing.

The alien had a membership card which he says he received from Marosz, and he paid dues for the two months.

The few men, some five or six, who with the alien had expressed their willingness to join, met several times, appointing temporary officers on those occasions, and finally in the fall of 1919 the matter appears to have been dropped.

Marosz, who appears from the record to have been arrested, was not called.

Marosz received a charter, which the alien never saw, except in a bundle, and never read.

He had purchased and sold some books, French Revolution, Socialism of the Hand, The Old System in Europe and the New System, which he had received from Detroit, from the Glos Robitniczy, and the money made on the sales was turned in to the secretary. He sometimes read the Novy Mir, which he bought at a stand in Aisquith Street or in a store. He had subscribed to the Glos Robitniczy for five or six months, which "used to be Socialism paper, but after I read in this same paper that this thing is going to organize some kind of new organization, was to be organization Communist." He had also received copies of this paper and sold them, but he did not know it was the official organ of the Communist Party, and indeed did not know what that phrase meant.

The alien was interrogated as to his relations to the Union of Russian Workers. He had belonged to the Russian Workers Organization, which appears to have been a mutual aid and educational society, not political, but he denied that he had been a member of the Union of Russian Workers. His membership card indicates that dues were paid in the Russian Workers Organization at a time that body had become the Union of Russian Workers. He is clear, however, that the entry is not correct, and he is positive he paid no dues and attended no meetings after the Russian Workers Organization went over to the Union of Russian Workers, and he did not have the blue card of the latter organization.

It appears that about six years ago the alien was for about a year or two a member of the Industrial Workers of the World. His explanation of this is perfectly simple:

"That time when I work in the union shop, I belonged to this organization, because I got to be member down there. This was organized union shop; and afterwards they organized the Amalgamated and I join the Amalgamated."

His wife and three character witnesses testified in his behalf. There was no further testimony. Many exhibits were offered in evidence, which are in the record.

The complete answer to all of this testimony is that it fails to show that this alien ever knew what the doctrines or principles of the Communist Party really were. Proof of the conscious, intelligent membership or affiliation contemplated by the act is wanting.

The examining inspector and the commissioner of immigration at Baltimore recommend deportation.

The bureau recommends the warrant be canceled.

_____,
Commissioner General.

[NOTE.—Not signed by Commissioner General.]

Cancel.

ASSISTANT SECRETARY.

(Davidge.)

APRIL 2, 1920.

MY DEAR MR. CAMINETTI: The case of Thomas Truss (No. 54860/67), has been called to my attention, the inspector's report having been received February 14, six weeks ago, and no decision having yet been rendered.

Upon inquiry I find that a memorandum was prepared in this case by Walter D. Davidge, whom the Secretary had detailed to such work in these cases. But his memorandum is not on the file.

Please send me Mr. Davidge's memorandum by bearer so that I may consider it before acting upon the case. If the memorandum he dictated has not yet been transcribed kindly instruct the stenographer to transcribe it at once and give it to me to-day.

Sincerely,

LOUIS F. POST, *Assistant Secretary.*

MR. ANTHONY CAMINETTI,
Commissioner General of Immigration,
Washington.

Mr. Lyons please comply with the foregoing instructions. Expedite. Apr. 2/20. C.

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, April 6, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: In re Thomas Truss, No. 54860/67.

This alien, a Pole by birth, is 33 years of age; he arrived in the United States in 1907, was married in 1912, and has three American-born children. He is a coat presser by occupation, earning about \$40 a week, and is, or recently was, president of the Amalgamated Clothing Workers of Baltimore. His character, well attested by highly responsible witnesses, is that of a man who is not in the slightest degree dangerous to this Government or at all inimical to any organized government, but who would make a good citizen of the United States. He was taken into custody on the 7th of January, 1920, by policemen who came to his home and asked him to accompany them for the purpose of answering questions. He complied, expecting to return presently. The policemen conducted him to a police station, where they delivered him to the police official in charge, saying that he was wanted by a special agent of the Bureau of Investigation of the United States Department of Justice. Thereupon the alien was locked in a cell overnight, and until some time during the next day his wife and friends were ignorant of his whereabouts. If there was any warrant for his arrest the alien was not shown the warrant or in any other way informed of the reason or the authority for his summary imprisonment, nor has any such authority been since disclosed. While still imprisoned he was examined on the 8th of January by a special agent of the Department of Justice and his examination reduced to writing. No lawful authority for this proceeding was disclosed to the alien at the time nor has any been disclosed since; no warning was given him that his replies might be used against him, and he was not informed of his right to have counsel present to represent him if he wished.

A special agent of the Bureau of Investigation of the Department of Justice thereupon made an affidavit in which he swore that in the course of his personal investiga-

tions and those of the officials and employees under his supervision and direction, he was informed and verily believed that the alien was a subject of Russia; that he was a member of the communist party and the union of Russian workers; that those organizations advocate the overthrow by force or violence of the Government of the United States; and that the alien was a member of and affiliated with them; that he was an anarchist, believed in and advocated the overthrow by force or violence of the Government, and believed in and was opposed to all organized government. This affidavit was evidently a filled-out form, as the attorneys for the alien state, but inasmuch as the Secretary of Labor had already decided that the union of Russian workers and the communist party are within the proscription of the act of Congress of October 16, 1918, its averments imposed upon the immigrant inspector in charge at Baltimore the duty of applying to the Secretary of Labor for a warrant of arrest (see immigration rule 22, subdivision 3) and the Secretary of Labor was thereupon in duty bound to issue the warrant (see sec. 19 of the immigration act of 1917 and sec. 2 of the supplementary act of Oct. 16, 1918).

Accordingly, on January 8, the alien being then still in custody at the police station in Baltimore, as stated above, the immigrant inspector in charge at Baltimore telegraphed to his superior officer at Washington that satisfactory probable cause had been shown against the alien for membership in the Union of Russian Workers and the Communist Party. On the following day, January 9, a warrant of arrest was consequently issued by the Secretary of Labor and the inspector in charge at Baltimore was duly instructed by telegram to arrest the alien and hold him to bail in \$1,000, the usual sum in such cases. In due course the formal warrant of arrest was transmitted to the inspector in charge at Baltimore, and on January 9, two days after the arrest described above, the alien was taken into the custody of the Department of Labor by the inspector in charge.

Prior thereto the Department of Labor was in no wise a participant in or directly or indirectly responsible for the arrest of the alien or his treatment in any respect. Subsequent, however, to January 9, and until he gave bail on January 15, the alien remained in custody as a prisoner upon the aforesaid warrant of the Department of Labor. His hearing pursuant thereto began January 20, and on April 1 the record of hearing came to the Assistant Secretary for decision pursuant to his authority under the immigration laws and the organic act of the Department of Labor.

Examination of this record makes it evident that alien is not a communist. Neither is he an anarchist. He is the opposite of an anarchist, namely, a Socialist.

It also appears from the record that the alien came to the United States in 1907, has lived in Baltimore ever since, and has been for several years a respected member of and active worker for the St. Paul's Polish Church (Presbyterian) of Baltimore in which he is an elder.

As to his membership in the I. W. W., a point of contention at the alien's hearing, the record shows that he was a member of a branch of that organization six years ago, his branch being then the only union of wageworkers in his shop; but that he joined the Amalgamated Clothing Workers when it was organized and thereupon dropped out of the I. W. W.

The record also shows that alien was for a time a member of a Russian worker organization, then an educational and mutual benefit society having nothing to do with governmental problems. This organization merged into the Union of Russian Workers (an organization heretofore proscribed under the act of Oct. 16, 1918), whereupon the alien dropped his membership. He never became a member of the Union of Russian Workers.

The case appearing in the record against the alien turns, therefore, upon the question of his alleged membership in the Communist Party of America, which, like the Union of Russian Workers, is under the ban of the act of October 16, 1918. He is shown to have authorized the signing by another for him of a printed application for membership in the Communist Party. Inasmuch, however, as that signing was prior to the organization of the proscribed Communist Party of America, it is a nullity for the purpose of this proceeding unless confirmed by activities or declarations of the alien after the constitution of the proscribed Communist Party was adopted and brought to his attention.

According to the circumstances shown, alien's membership application was made in June, July, or August, 1919. The Communist Party of America was not organized until September. Alien had authorized his anteorganization application at the suggestion of an official organizer of the Socialist Party at a mass meeting, which alien attended upon the organizer's invitation, and at which the organizer set on foot preliminary proceedings for organizing a local branch of the subsequently organized Communist Party. As alien understood aim, the new party was to stand for socialization of mines, railroads, etc., thereby lowering prices, as the Government Post Office had lowered postage.

Such a branch was informally organized, and on September 5, the day of the organization of the Communist Party in Chicago, it applied for a charter. The application was approved by the Communist Party officials at Chicago on September 14, and a membership card was given to the alien. Having previously paid a membership fee and two months' dues, the alien was credited with payments up to and including November. A charter was received by the secretary of the branch but not accepted by the group. The reason for delay seems to have been that no constitution nor any explanation of the purpose of the new party had been received, although the informally organized branch had been promised the attendance of an organizer to explain the Communist Party to its members. At a meeting in October, no organizer having come nor any constitution of the party, and the members of the branch not having learned anything more about the organization than had been explained at the mass meeting held in Baltimore before the Communist Party was organized, alien's branch decided to have no more meetings, and instructed the secretary to return the charter. Its members never got together again.

On the basis of those circumstances, the responsibility falls upon this department of deciding whether or not the alien comes within the membership clause of the act of Congress of October 16, 1918.

Under that clause aliens must be deported if "they are members of or affiliated with" the Communist Party of America. If this clause be construed as meaning that aliens who have once technically become members of the Communist Party must be deported even though they had no guilty knowledge, or that the principle of "once a member always a member" applies, it might be possible to spell out from the circumstances described above a membership for which deportation would be mandatory. Even then, however, there would be no little difficulty without disregarding every principle of personal responsibility. Having applied for membership before the proscribed organization was born, and withdrawn before its constitution was brought even perfunctorily to his attention, this alien would seem to a fair American mind to lack the requisites even of technical membership. If, however, the requisites of technical membership were all present, nevertheless the Congress of the United States should not hastily be presumed to have intended that resident aliens be arrested and deported as members of an unlawful organization, when all the circumstances show the alien himself to have been innocent of any guilty knowledge of malice in taking membership and when it appears not only that he is and has been wholly free from any hostile purpose toward this Government, but that he is sympathetic with our democratic institutions.

Some Members of Congress may possibly have intended, when they voted for this law, to have it construed in a narrow and un-American fashion: but it would not be reasonable to infer that Congress, as the constitutional law-making body of this country, enacted this law with any such un-American purpose. I shall therefore assume in this case, as I have in a large number of similar cases, that Congress intended the act of October 16, 1918, to be considered reasonably with reference to the individual knowledge and intent of persons drawn innocently into an unlawful membership.

If the act be so construed, this alien is not within the spirit of the act even if he were within its letter. In fact, however, he does not appear to be within its letter. Under the circumstances disclosed by the record he was never so much as a technical member of the proscribed Communist Party, and in so far as his conduct might be supposed to confirm his anteorganization application or to bring him within the affiliation clause of the act, the circumstances of his withdrawal are conclusive.

I have described this case at length because in most if not all essentials it is typical of a large proportion of fully 1,000 cases I have decided after hearing in which warrants of arrest had been issued by the Department of Labor on prima facie proof of probable cause furnished by special agents of the Bureau of Investigation of the Department of Justice. The aliens are arrested and imprisoned; while imprisoned they are subjected to a police-office inquisition; an affidavit showing probable cause (upon information and belief) is thereupon presented to the Department of Labor, whereupon the Department of Labor issues its warrant of arrest, takes over the custody of the alien, as by law it is required to do, and proceeds as usual in warrant cases under the expulsion clause of the immigration law. When the hearings at immigration stations are reported verbatim in regular course to the Department of Labor, the Secretary of Labor (or his lawful representative), who is charged with the exclusive responsibility, comes to examine these records, it is found in a large proportion of the large number of cases I have examined that there is no better reason for deportation than is disclosed in the present case. In some cases the membership is "automatic," the arrested alien having been transferred from a lawful organization to the unlawful one by vote of a group or branch of the former and without his knowledge. In some

cases he has had knowledge of the transfer but none at all of the character of the organization to which he has been transferred. In other cases he has signed applications before the existence of the unlawful organization and has never confirmed his membership by any conscious act. Sometimes an organizer or a friend has signed the application for him. As a rule, the hearings show the aliens arrested to be workmen of good character who have never been arrested before, who are not anarchists or revolutionists, nor politically or otherwise dangerous in any sense. Many of them, as in this case, have American-born children. It is pitiful to consider the hardships to which they and their families have been subjected during the past three or four months by arbitrary arrest, long detention in default of bail beyond the means of hard-working wage earners to give, for nothing more dangerous than affiliating with friends of their own race, country, and language, and without the slightest indication of sinister motive or any unlawful act within their knowledge or intention. To permit aliens to violate the hospitality of this country by conspiring against it is something which no American can contemplate with patience. Equally impatient, however, must any patriotic American be with drastic proceedings on flimsy proof to deport aliens who are not conspiring against our laws and do not intend to. Although these are not criminal proceedings, being wholly administrative in their character, their effect upon the innocent individual who in this summary way is found and to his neighbors, has the effect of conviction for crime by regular judicial processes.

It is sometimes difficult to draw the line in the records of cases of aliens charged with membership in a proscribed organization—and very few cases so far instituted upon probable cause shown by special agents of the Bureau of Investigation are for anything else—between those who are members understandingly and those whose membership is only technical and without guilty knowledge on their part. The natural association of alien residents with their own countrymen and the overlapping of social, industrial, and political organizations, each with its factions, tend to confuse the circumstances. As a guide through this maze, I have tried to follow the following principles of decision in each individual case:

1. The Communist Party of America is within the membership clauses of the act of October 15, 1918 (Secretary's memorandum in the Preis case).

2. Personal signing of the application for membership required by the Communist Party is quoted in the Secretary's memorandum in the Preis case, when such signing is supplemented by circumstances indicating membership subsequent to the creation of the Communist Party, constitutes membership within the purview of the act of October 16, 1918.

3. Signing by another with the authority of the alleged member has the same effect as personal signing, provided authority to sign and understanding of the purpose thereof are proved.

4. Applications for membership not confirmed by acceptance do not constitute membership within the act of October 16, 1918, unless it may be inferred from further facts indicative thereof.

5. Name in a membership list is not in itself proof of membership.

6. 'Automatic membership' does not constitute membership within the act of October 16, 1918, unless supported by proof of individual activities or declarations tending to show knowledge of the character of the organization.

7. Signed applications antedating the formation of the Communist Party (on or about Sept. 5, 1919), which are not unlawful in their own terms or their legitimate implications, do not in themselves constitute proof of membership nor of application for membership in the proscribed Communist Party.

8. When membership has been withdrawn under circumstances satisfactorily establishing good faith, the accused alien does not come within the proscriptions of the act of October 16, 1918, as to membership.

9. When the accused alien appears to be a person of good general character, fit for American citizenship except for the accusation in hand, and there is reasonable doubt of his membership, the warrant of arrest will be canceled.

10. Statements of the accused alien, whether oral or in writing made while he is in custody and without opportunity fairly afforded him from the beginning to be represented by counsel, and without clear warning that anything he says may be used against him will be disregarded pursuant to the principle *Re Jackson* (U. S. District Court for Montana, Bourquin, J.) and of *Silverthorne v. United States* (Jan. 28, 1920), as having been unlawfully obtained.

11. Exhibits seized upon the premises or the person of the accused alien without lawful process, will be disregarded pursuant both to the principle and the precise decision in *re Jackson* and *Silverthorne v. United States*.

12. In cases in which the alien is the father of children born in the United States, and therefore constitutional American citizens, and who are dependent upon and receive from him parental support, every fair doubt regarding membership within the purview of the statute will be accorded.

Guided by those principles, I am of the opinion that upon the record in this case the alien is not a member of or affiliated with the Communist Party or any other proscribed organization within the meaning of the act of Congress of October 16, 1918.

The warrant is canceled.

LOUIS F. POST, *Assistant Secretary*.

MR. CAMINETTI: I have read the memo of the Assistant Secretary. It leaves little hope for the rest of the cases. However, we can still recommend in accordance with what we conceive the law to be.

There is nothing further for the law division to do in the case (unless you wish to make reply to the memo) and it should go to the cor. sec. for decision and the usual letters.

W. J. P.

NOTE.—W. J. P. is W. J. Peters, chief of Law Division of Bureau of Immigration.

STATEMENT OF MR. VAILE.

MR. VAILE. Mr. Chairman, I dislike to interrupt the submission of this report, but the Truss case seems to me particularly important, both on account of the publicity which has been given it and also because, as I understand, it has been used by the Assistant Secretary as a precedent or key case governing the decision of many others.

This case lays down certain propositions which the Assistant Secretary has evidently attempted to apply to many other cases; among others the proposition that while the Communist Party of America is an organization of the sort proscribed by the act of October 15, 1918, and by the Secretary's memorandum in the Preis case, and while either personal signing of the membership application or signing by another with the authority and understanding of the alleged applicant will constitute membership, on the other hand the finding of a name in a membership list is not of itself proof of membership, nor can the incorporation of the whole membership of a local society in the Communist Party make the individual members of such society members of the Communist Party for the purposes of the act unless there is also proof of individual activities or declaration by the individual tending to show knowledge of the character of the Communist Party. Such acquisition of membership by a group—you might say transfer of membership—is evidently what the Assistant Secretary means by "automatic membership."

Now, I take it that these general propositions are sound enough, and it seems to me also that it is entirely correct to rule that where an application has been withdrawn under circumstances indicating good faith the applicant must be regarded as not coming within the proscription of the act. The proposition regarding use of evidence obtained by confessions and by search, and also the propositions extending the benefits of all reasonable doubt to the alien are probably justified on the principle of giving him every possible protection afforded by our criminal law, but I want to observe that they are the enunciation of principles of the criminal law and that they are here extended to proceedings which are not of that nature. I do not say that the extension is not proper. I am inclined to believe that

it is. But the issue is not whether the alien has committed a crime; it is whether he is eligible to stay here under our rules, and we are here extending to him all the advantages which the law would give him in a strictly criminal proceeding.

I would have to concede the technical correctness of the Assistant Secretary's proposition No. 7, to the effect that signed applications antedating the actual organization of the Communist Party do not of themselves constitute proof of membership in that party, though it seems to me that they should be regarded as applications for membership therein. However, it seems to me that if you apply this proposition of the Assistant Secretary generally, it is the creation of a technical defense against an actual condition. It does violence to our common sense to admit that the alien did not know what principles were advocated by those who were forming the Communist Party prior to the date of its actual organization. The call for the formation of that party was sent out July 19, 1919. It is full of exactly the same stuff that is in the constitution of the party as adopted in September, and in order to keep this point before the committee I want to read into the record here some extracts from that call:

The problem of the proletariat consists in organizing and training itself for the conquest of the power of the State. This conquest of power means the replacement of the State system of the bourgeoisie with a proletarian system of government. This new proletariat must embody the dictatorship of the proletariat, both industrial and agricultural, this dictatorship constituting the instrument for the taking over of property used for exploiting the workers and for the reorganization of society on a communist basis. We maintain that the class struggle is essentially a political struggle; that is, a struggle by the proletariat to conquer the capitalistic State whether its form be monarchistic or democratic republican, and to destroy and replace it by a governmental structure adapted to the socialistic transformation.

The constitution adopted in September says:

The Communist Party alone is capable of mobilizing the proletariat for the new revolutionary mass struggle to conquer the power of the State. * * * Its aim is to direct this struggle to the conquest of political power, the overthrow of capitalism, and the destruction of the bourgeois State. The Communist Party prepares itself for this revolution in the measure that it develops a program of immediate action expressing the mass struggle of the proletariat. These struggles must be inspired with the revolutionary spirit and purpose.

It would seem evident that this constitution, whether formally adopted or not, must have actually been promulgated before September, because the membership card signed by an applicant reads as follows:

The undersigned, after having read the constitution and program of the Communist Party, declares his adherence to the principles and tactics of the party and the Communist International, agrees to submit to the discipline of the party as stated in its application, and pledge myself to engage actively in its work.

Now the alien here, Truss, denies that he had ever read the call or the constitution of the Communist Party of America or the manifesto of the Communist International, and, of course, if we are going to deport him we should establish the fact of his acquaintance with the principles of the Communist Party. From a technical standpoint this is where the Truss case fell down. It certainly should have been possible to furnish proof on this point because it is simply an absurdity to say that Truss did not know of the call or of the purposes of the Communist Party. They must have been

outlined by Pinsky, the Communist Party organizer, who spoke at the organization of the Polish branch. Truss himself was a member of the committee on arrangements for that meeting. The Communist Party principles bristle in the book of W. D. Haywood, *Industrial Slavery and Socialism*, which Truss had read, and they are certainly habitually discussed in communist and radical meetings. What are those meetings for? Truss attended at least several of them. So admitting that Truss was not expressly proven to have knowledge of the principles and purposes of the Communist Party, it seems to me that the Assistant Secretary is stretching actual conditions through a technical loophole when he lays down his propositions about membership applications made before the actual organization of the Communist Party. Surely these cards issued before that actual organization must have been accompanied by some explanation to the prospective signer.

Mr. BLACKWOOD. The propositions stated by the Assistant Secretary in at least one or two respects do not fit the facts in the Truss case. Truss did not withdraw his application for membership in the Communist Party in good faith, because he did not withdraw it at all. Even according to his own statements he simply quit attending the meetings of the local branch and the local branch simply lapsed for lack of attendance, and his statement that it lapsed in October is contradicted by evidence of its circulars dated October 28 and found in Truss's home. This circular is one of the exhibits that the Secretary refused to consider under the eleventh proposition. His application card while it was, of course, presented to the secretary of the local branch was not an application for membership in the Polish branch at Baltimore, or in any particular branch, but for membership in the Communist Party of America. The Assistant Secretary speaks of applications for membership "not confirmed by acceptance." Truss's application was accepted by his local branch, and it was never refused by anybody. Truss retained his membership card of the Communist Party. He paid three months' dues upon it. He says that these dues were paid "in advance," but he does not state how long in advance. He sold at least some of its official literature and remitted a portion of the proceeds to the secretary of the local branch. He received and retained applications for membership in the party, but these applications were among the exhibits rejected by the Assistant Secretary. He attended meetings of the local branch which was applying for a charter from the Communist Party of America.

Now, in spite of all of this it is stated in the "Memorandum for the Assistant Secretary," prepared by one of his own agents, for signature of the commissioner general, that the alien did not have a "conscious or intelligent affiliation" with the Communist Party, because he himself denied that he knew anything about its principles. Perhaps it was not proven that he did know anything about them. At any rate it was not proven to the satisfaction of the Assistant Secretary, and so the Truss case is used by him in what you call a key case.

If this comment answers your suggestions, Mr. Vaile, I will now proceed with the report on other cases.

CASE OF JOHN BOCAS.

While the last-mentioned decision in itself might not have taken the heart completely out of the Bureau of Immigration, it was what might be termed the "last straw" to a long line of decisions, rules, and regulations handed down from time to time ever since the activities began against people who would overthrow our Government; these decisions, rules, changing policies, etc., overthrowing former practices, and making it harder to obtain an order of deportation than it would have been to have convicted on a criminal charge in any court. It appears that the Assistant Secretary, who had the final say, was placing much credence in the word of the deeply interested alien and little or no credence in the testimony of other witnesses, including sworn officers of the Government, who had no interest whatever in the cases other than that of doing their duty and doing it as well as they could, is evidenced in the case of John Bocas, bureau file No. 54709/149. In this case a memorandum, containing a summary of the evidence adduced and a recommendation, was prepared by the commissioner general for the Acting Secretary dated January 3, 1920.

A letter from the Special Assistant Attorney General, handling anarchist matters, to the Bureau of Immigration, dated January 15, 1920, setting forth that in his opinion the alien in question is a dangerous anarchist and requesting that his bond be fixed in the sum of \$5,000; a memorandum from the Assistant Secretary to the Acting Secretary regarding the case, dated February 20, 1920; a memorandum of the law division to the commissioner general, dated March 22, 1920, and a memorandum of the Assistant Secretary canceling the warrant, dated April 2, 1920, all throw considerable light on the case reading as follows, in the order mentioned above:

JANUARY 3, 1920.

Memorandum for the Acting Secretary.

In re John Bocas, or James Bokas, or Isador Bokas, 33; Russian; arrived in the United States at New York on November 12, 1909, ex-steamship *Bremen*, and has been a continuous resident of this country since that time.

A departmental warrant issued for the arrest of the above-named alien under date of November 5, 1919, alleging that he was in the United States in violation of the act of October 16, 1918, for the reasons outlined in the warrant, a copy of which is attached to the record.

The subject of these proceedings was accorded a hearing at the Hartford County jail, Hartford, Conn., November 14, being represented by counsel. The testimony shows that he is married and resides with his wife in Waterbury, Conn. He claims to be a subject of Lithuania, and has never taken any steps to become a citizen of this country. He denies being a member of the Union of Russian Workers, but admits being a member of the Lithuanian Socialist Party; that their organization sent delegates to Chicago two months ago to the convention of suspended federations of the Socialist Party of the United States; that each member was assessed 50 cents to cover their expenses. The alien admitted that the Lithuanian federation is split, one calling themselves communistic and the other socialistic; but that his organization had not decided which they would join, although admitted that there had been sent a charter of the Communist Party to the Lithuanian branch of the Socialist Party in Waterbury, of which organization the alien admits being the financial secretary. The alien's other testimony is a complete denial of the warrant charges.

Martin E. Sullivan, a special agent of the Department of Justice, testified, as a witness, to the effect that on the night the alien was arrested he admitted that he was the secretary of the Lithuanian Socialist Party, and that at their recent convention held in Chicago there was a split in the Socialist Party; that some of the members created what is known as the Communist Party, but that he, the alien, did not believe in some of their teachings. There have been incorporated as exhibits in the record

copies of Darbas, Exhibits A and B, such paper being the official organ of the Amalgamated Garment Workers of America. Mr. Chamberlain, another agent of the Department of Justice, testified that the alien was a leader of the radical element in Waterbury and vicinity.

The hearing was continued on November 15, at which time the alien admitted that the organization he belonged to had received a charter signed by one Fraina; that last October the Lithuanian Socialistic Federation of the United States held a convention in Brooklyn, N. Y., and the Waterbury branch sent three delegates to said convention. It appears that the purpose of the convention was to change the character of their organization from socialistic to communistic and that such purpose was accomplished. It also appears that the organization held a convention at New Haven on October 26, at which the alien was a delegate. Several exhibits have been incorporated in the record, and when questioned in relation to one exhibit, Exhibit I, which appears to be a paper in the handwriting of the alien, he stated that it contains statements to the effect that the Lithuanian Communist Party Federation accepted the principles and doctrines of the Third International over all the working classes of people. Special Agent Sullivan, on cross-examination, stated that as he understood the alien's admissions, the Lithuanian Socialist Party was now affiliated with the Communist Party. The alien was shown a copy of the Communist charter and asked as to whether or not he belonged to the organization, and he answered in the affirmative, and further that his organization had received the charter two weeks previous. On cross-examination by his attorney the alien admitted that the Socialist Party had suspended the Lithuanian Socialist Party organization at Waterbury. On further questioning the alien admitted that he was a communist by virtue of the fact that the organization to which he belonged had become communist and he was converted with the other members. Several papers in the alien's handwriting, being Exhibits H, I, J, and K, have been incorporated in the record, but translations have not been made, and it is impossible to determine whether or not they have any weight in regard to the issues involved. The program of the Communist Party adopted at their convention in Chicago on September 1, 1919, is attached to and made part of the record.

The examining inspector finds that the alien is a proper subject for deportation, and his recommendation is concurred in by the commissioner of immigration at Boston, Mass.

It is obvious, from an examination of the evidence disclosed, that the organization to which the alien belongs has accepted the principles and doctrines of the Communist Party and is now part of that organization. The manifesto of the Communist Party adopted at their first national convention at Chicago on September 1, 1919, contained many expressions of an inflammatory, militant, and revolutionary nature. It is obvious from a perusal of same that communism is a theory designed to destroy the present existing system of government, and that their organization is one which comes within the purview of the act of October 16, 1918, the department, in fact, already having taken this position.

The evidence submitted and adduced establishes, and the bureau finds, that this alien is in the United States in violation of law (act of Oct. 16, 1918) and is subject to deportation therefor, this on the ground, and it is so found, that he is a member of or affiliated with an organization that advocates or teaches the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that teaches disbelief in all organized government. It is therefore recommended that the department issue its warrant for his deportation, on these grounds, such deportation to be to Russia, at Government expense. It is further recommended that the alien be transferred to Ellis Island, N. Y., there to be detained until such time as his deportation can be accomplished.

Approved: _____,

Commissioner General.

Acting Secretary.

JANUARY 15, 1920.

HON. ANTHONY CAMINETTI,

Commissioner General of Immigration, Washington, D. C.

DEAR MR. CAMINETTI: I am in receipt of two telegrams from the Hartford, Conn., office of the Bureau of Investigation urgently recommending that bail in the case of Isidor Bokas, alias James Bokas, be raised from \$1,000 to \$5,000. Bail in the sum of \$1,000 has been offered in this case.

The record on this alien shows that he is a very active member of the Communist Party and is secretary of the Hartford, Conn., branch of the Communist Party. Your

Inspector Clark, at Hartford, as I am informed, wired you recommending that bail in this case be raised to the sum of \$5,000. I deem it highly advisable that the amount of bail on this alien be raised, as recommended, to \$5,000.

Will you kindly advise me at your earliest convenience of the action taken in this matter?

Very truly, yours,

J. E. HOOVER,

Special Assistant to the Attorney General.

At this point it might be well to restate the fact that when Secretary Wilson is absent from the Department of Labor the solicitor of that department, Mr. Abercrombie, becomes Acting Secretary. In the absence of Mr. Abercrombie, Assistant Secretary Post becomes Acting Secretary, but signs himself as Assistant Secretary.

In the Bocas case, therefore, Mr. Post, on February 20, addressed a memorandum to Mr. Abercrombie as follows:

FEBRUARY 20, 1920.

For: Mr. Abercrombie.

From: Mr. Post.

Subject: Immigration case of John Bocas (alias James Bocas, or Isador Bokas). File No. 54709/149. Held under alien anarchist clause.

This case of John Bocas or James Bokas or Isador Bokas is one of the cases to which Harry L. Edlin, Esq., as counsel for the alien, refers in his letter of February 13, 1920. I have already made memorandum to you regarding other cases of his referred to in the same letter.

In the Bocas case, warrant was issued under date of November 5, 1919, and alien was taken into custody at Hartford, Conn., November 6, 1919. Hearing was conducted by M. J. Leonard, at Hartford, beginning on November 14, 1919. The inspector, in transmitting the record through the Bureau of Immigration advises that the alien denies being a member of the Union of Russian Workers, that he admits being a member of the Lithuanian Socialist Party and having been secretary of the Left Wing, that in the judgment of the inspector the Left Wing of the Socialist Party and the Communist Party are the same organization; that alien admits being an active member of the Socialist Left Wing, or Communist Party; that he bought and read a book which explains anarchism; that he was a delegate to the Lithuanian Socialist Federation of the United States held at Brooklyn, which changed the name from Socialist to Communist; that he admits writing Exhibit I, which refers to the Lithuanian Communist Party Federation as having accepted the principles and tactics of the Third International; and that "alien is an anarchist" and "is a member of or affiliated with an organization that advocates the overthrow by force or violence," etc., etc., and "teaches disbelief in all organized government." The inspector therefore recommends deportation.

Memorandum prepared by the bureau on the basis of the above record bears date of January 3, 1920, but has not yet been signed by the commissioner general, for whose signature it was prepared. In this bureau memorandum the summarization is to the effect that alien denies being a member of the Union of Russian Workers, that he admits being a member of the Lithuanian Socialist Party, that their organization sent delegates to Chicago two months ago to the convention of suspended federations of the Socialist Party of the United States, that alien admits that the Lithuanian Federation is split, one branch calling themselves Communists and the other Socialistic, and that he states that his own organization "had not decided which they would join," although he admitted that there had been sent a charter of the Communist Party to the Lithuanian branch of the Socialist Party, in Waterbury, in which organization alien admits being the financial secretary. This memorandum further states that a special agent of the Department of Justice testified to the effect that on the night alien was arrested he admitted that he was secretary of the Lithuanian Socialist Party and that at their recent convention held in Chicago there was a split, in consequence of which some of the members created what is known as the Communist Party, but that the alien did not believe in some of their teachings. The bureau memorandum further states that "another agent of the Department of Justice testified that the alien was a leader of the radical element in Waterbury and vicinity."

The same memorandum further explains that at a subsequent hearing, which appears in the record under date of November 14, 1919; alien made admissions to the effect that the organization he belonged to had received a charter signed by one Fraina; that

his branch of the federation had held a convention to change the character of their organization from socialistic to communistic; that this was done; that the organization subsequently held a convention at New Haven, at which alien was a delegate; and that alien admitted "that he was a Communist by virtue of the fact that the organization to which he belonged had become Communist and he was converted with the other members." It is therefore recommended by the undersigned memorandum of the bureau that alien should be deported on the ground that he is a member of or affiliated with an organization that advocates or teaches the overthrow by force or violence of the Government of the United States and teaches disbelief in all organized government. A further recommendation is made to the effect that alien be transferred to Ellis Island and be there detained until deportation can be accomplished.

Upon looking over the testimony I note that this alien was a member of a strikers' committee last summer, which represented the workers from the local factories, and was arrested at that time in that connection; that he knew nothing about the Union of Russian Workers and has never been a member of it; that a charter for the Communist Party was sent to the Lithuanian branch of the Socialist Party in Waterbury; that he is not in sympathy with Lenin and Trotski because "they take all money from everybody and don't let you have one person to work for you," whereas alien wants "to have money" and also "to buy something for myself and have somebody work for me"; that he is not an anarchist; that he believes in the present form of the Government of the United States; that he does not believe in the overthrow of the Government of the United States or of any organized government by force of arms.

The examination of alien being interrupted at this point for the taking of the testimony of the agent of the Department of Justice, the latter stated that he had become acquainted with alien on November 7 in the office of the superintendent of police at Waterbury and had interrogated alien there. The testimony of this witness is insignificant.

Another agent of the Department of Justice being thereupon examined, gave testimony which is rather significant of a purpose collateral to that of the Department of Labor warrants under the immigration law. It was to the effect that during witness's personal investigation of strikes in the region of alien's arrest, alien was reported to the superintendent of the Waterbury police, from whose report and "other confidential sources of information" witness believed that alien "is one of the leaders or possibly the leader of the radical and direct-action element in Waterbury"; that "he was president of the committee which brought about the strike in Waterbury during the latter part of June, 1919, a strike which resulted in the Waterbury riot," in connection with which alien was arrested; also that witness understands that alien "has not been working since the strike, but has been agitating and collecting a fund to be used for the purpose of bringing action against the local police force of Waterbury and for their activities in connection with the riot." This witness testifies to "having been told on good authority and from very competent persons that Bocas is connected with the radical element in Waterbury and attends the meetings held by the Union of Russian Workers." You will see that this testimony is of no value in deportation proceedings, nor is any of the rest of his evidence as reported in our record.

The alien stated further in his testimony with reference to the split in the Socialist Party, and in answer to the question, "Are you a Communist?" "I am at present; but I am waiting for the referendum and I will be a Socialist." Query: "Did you ever declare your intention to become a Communist?" Answer: "I am with the rest of the people. I personally have nothing to say. It is all in a group." Query: "Then how did you become a Communist?" Answer: "They have changed the organization into the Communist Party and I was converted the same as the others." Query: "Did you express any willingness to remain in the organization after it became a Communist organization?" Answer: "I did say" (probably meaning "stay" instead of "say") "in company with the rest, but we will wait until we get a referendum." To the question, "If you ever found out that the Communists advocated anarchy and the overthrow of organized government by force, would you still retain your membership in that organization?" the alien answered "No." Further, in the same connection alien stated, "I am a member of the Communists but we will soon be back to our Socialist Party, as soon as the referendum comes." Asked why he said he was a Communist now, alien answered "Because the party has changed to the Communist?" This answer was followed by the question, "And you do not know what the Communists stand for?" to which alien answered, "I have not had time to find out. We want to remain on our old Socialist platform."

It would appear from the testimony, of which I think I have given the substance quite fully, that this alien is not deportable unless the Secretary decides that a decision by officials or delegates of a lawful organization to turn it over bodily to an unlawful one makes every member of the lawful organization a member of the unlaw-

ful one unless he withdraws from the lawful one pending a referendum in the lawful one on the action of its delegates in turning it over to an unlawful one.

Apart, however, from the merits of the case, is the fact that the warrant under which this alien was arrested fixed his bail at \$1,000 and that subsequently on the application of an agent of the Department of Justice a month after the hearing and prior to any decision, the bail was increased to \$5,000. The application of the Department of Justice stated that "the record on this alien shows that he is a very active member of the Communist Party and is secretary of the Hartford, Conn., branch of the Communist Party." Even if this were a sufficient reason for increasing the bail, it is at least questionable whether the record shows such reason to exist. According to the letter of alien's attorney, this alien has been in jail for more than three months. If that statement is true, I am inclined to believe that this department has, in this case, been placed in an indefensible position. There would seem to be no reasonable excuse in the case of an alien arrested on the 7th of November and given a hearing on the 14th, for keeping him in jail from the time of his arrest until the date of the attorney's letter (February 13, 1920), three full months. The case for deportation is at least questionable, and the exorbitant bail exacted seems to me to be in conflict with the Secretary's instructions in that respect.

This case tends to give color of verity to the statement of the attorney in one of the cases to which his letter refers, that there is an animus back of these Connecticut deportation cases, namely, a strike last summer in connection with which the local police made assaults upon the strikers (lawlessly as the strikers claim) for which representatives of the strikers are collecting funds for the purpose of prosecuting cases against the police for their alleged lawlessness.

There are also indications in this case, especially when taken in connection with some of the others, of an appearance of absolute submission by immigration inspectors to the dictation of Department of Justice agents.

I submit the record to you as Acting Secretary in charge of immigration matters for such consideration and action as the record may seem to you to require.

LOUIS F. POST,
Assistant Secretary.

Received and referred to the commissioner general 2/24/20.

JOHN W. A.

MARCH 22, 1920.

Memorandum for the Commissioner General.

Herewith submitted are two cases which you handed me on the 13th instant, with request that I consider them in the light of the evidence of record and memoranda of comment thereon by the Assistant Secretary. I had opportunity yesterday, for the first time since you turned the cases over to me, to read the testimony of record. While I appreciate the fact that the cases are not entirely clear, either for cancellation or deportation, I am inclined to believe, after a careful consideration of the evidence of record in both cases, that the correct conclusion is as expressed in the two memoranda which have been prepared for your decision—that the evidence preponderates to show that both men were, consciously, members of the Communist Party of America and, whatever may have been their views with respect to the character of that organization or their intention concerning the continuance of their membership therein, that they are properly subject to deportation under the act of October 16, 1918. The evidence has been correctly summarized in these memoranda, and it seems to me the cases should be submitted on them to the Assistant Secretary for his decision.

W. J. P.

APRIL 2, 1920.

John Bocas, No. 54709/149 (alleged communist).
The warrant is canceled.

LOUIS F. POST, *Assistant Secretary.*

CASE OF GEORGE KOST.

The contention with reference to the Assistant Secretary placing more credence in statements of the interested alien than he did in that of Government officers, sworn to enforce the law, is shown in the memorandum he handed down in the case of George Kost, bureau file No. 54709/991. Attention is called to the fact that in

this case the Assistant Secretary ordered the case reopened and instructed that some outside interpreter be used in place of the special agent of the Department of Justice who had acted as interpreter at the first hearing. Also he ruled that testimony consisting of voluntary admissions that have always been admissible in both criminal and civil actions in this country can not be used or considered in a deportation proceeding, though he himself has held many times that deportation was an administrative and not a criminal action, also that an administrative action was not bound by the rules of evidence as in court procedure; yet in these anarchist cases the Assistant Secretary makes rules of evidence of his own, more stringent and binding than any rules of evidence followed by courts.

The decision above referred to and which was handed down March 23, 1920, reads as follows:

MARCH 23, 1920.

For: "Commissioner General of Immigration.

From: Assistant Secretary.

Subject: George Kost, alias Kwost, alias Koastas, No. 54709/991.

This alien was subject to an examination while in custody of a special agent of the Department of Justice and without opportunity to be represented by counsel and also without warning that his statements would be used against him. The special agent who examined him under those circumstances was afterwards used as interpreter at the regular examination under the Secretary's warrant for the purpose of interpreting the testimony of alien given in his own behalf.

Open case for full rehearing to be held in the presence of alien's counsel, if he desires, and with an interpreter not otherwise interested in the case.

LOUIS F. POST,
Assistant Secretary.

CASE OF JOHN DUDINSKY.

Another case in point is that of John Dudinsky, bureau file No. 54810/346. In this case the commissioner general submitted to the Assistant Secretary with the record of hearing, a memorandum summary and recommendation dated March 20, 1920, which sets out clearly and fairly the facts adduced in the evidence. On March 22 the Assistant Secretary handed down a memorandum containing instructions to open the case for rehearing; this memorandum would almost lead one to believe that the Assistant Secretary was appearing on behalf of the alien, and has more the appearance of a brief in favor of the alien than in favor of the Government. He proceeds to tighten up his rules of evidence, and then to cap the climax orders a copy of this "brief" against the Government and for the alien, furnished to alien's counsel "for his information." It was not enough that he lay down such stringent rules as to practically nullify the act of Congress, but in order that there might be no question of alien anarchists being able to best the Government, he must furnish a copy of the instructions that he had prepared as to how to best the Government to the alien's counsel, knowing as he well knew, and as the files of the Bureau of Immigration and the Department of Labor show, that said counsel had not only stooped to questionable practices, was not only a radical himself, but that he was at that time retained as chief counsel for the alien anarchists in the eastern section of the United States. Yet he furnished this attorney ammunition to use against the Government.

On March 23 the commissioner general replied to the Assistant Secretary with a memorandum which explains itself but clearly indi-

cates that the heart of the bureau was fast reaching the point where it would only need the "last straw" for the final break. The Assistant Secretary did not reply to this memo (although explanations with reference to different paragraphs of his decision were requested), other than to make a notation on the bureau memo to the effect that his decisions and instructions were self-explanatory. This was returned to the bureau.

One of the instructions in the Assistant Secretary's instructions was with reference to the reduction of bond in the case of the alien in question. This bond had been placed at \$10,000, at the request of and on the showing made by the special assistant to the Attorney General in charge of anarchist matters for the Department of Justice; and, under date of March 27, this officer addressed a letter to the Bureau of Immigration setting forth his reasons for having asked that the bond be fixed in that amount and urging that it be not reduced.

Under date of March 29 the attorney for alien wired the bureau with reference to the reduction of bond and on the 30th the bureau prepared a memo for the Assistant Secretary on that subject and was directed, by the notation made on the bottom thereof by the Assistant Secretary, to hold hearings regarding this application for reduction of bond. There is nothing to indicate just what "hearings" were held with reference to this matter or what showing was made as to why same should be granted other than telegrams dated April 7 and 8 from alien's counsel addressed to the Assistant Secretary, on the bottom of each of which the Assistant Secretary placed the word "noted" and referred to bureau.

The bureau under date of April 10, over the signature of the commissioner general, furnished a memo to the Assistant Secretary in which it is stated that "the bureau considers it quite unfortunate that it is necessary to permit this man to go at large under any circumstances," and opposed the reduction of bond in this case. The Assistant Secretary simply made the notation on the bottom of this memo to reduce the bail to \$1,000.

The various documents mentioned in connection with this case which support the contention that the word of interested aliens, radical attorneys, and outsiders are given more weight than officers charged with the enforcement of law, read as follows in the order in which they have been mentioned:

MARCH 20, 1920.

Memorandum for the Assistant Secretary.

In re John Dudinsky, or Ivan Dudinsky.

Russian, aged 31, single, date of entry, port, and steamship not shown.

Warrant issued December 29, 1919, alleging that the alien is in the United States in violation of the act of October 16, 1918, for the reasons stated in the warrant, copy of which is in the record.

Hearing was accorded the alien at Ellis Island, N. Y., January 23, 28, and February 26, 1920, the alien being represented by counsel. Before and after counsel appeared in this case the alien declined to answer questions bearing on his membership in the Communist Party of America and insisted that the Government must prove the charges preferred against him in the warrant. At no stage of the hearing did he deny membership in the Communist Party and documentary evidence introduced in the record by the Government clearly establishes the membership of the alien in said party, and further shows him to be an officer in Russian Branch No. 1, Communist Party, Essex County, State of New Jersey. Exhibit E, membership card; Exhibit J shows alien's election as chairman at a meeting October 24, 1919; Exhibit B is a letter signed by alien as secretary of the Russian branch. At the time of his arrest by Department of Justice agents, the alien testified on January 3, 1920 (Exhibit A) that he represented the Communist Party at the convention in Detroit in 1919. The alien is represented

by agents of the Department of Justice as dangerous, and the record shows him to be an active member and officer of the Communist Party. He is being detained at Ellis Island in default of bond.

The examining officer recommends deportation, and the acting commissioner at Ellis Island concurs therein.

The evidence submitted and adduced establishes, and the bureau finds that this alien is in the United States in violation of law (act of Oct. 16, 1918) and is subject to deportation therefor, this on the ground, and it is so found, that he is a member of or affiliated with an organization that advocates, teaches, or entertains a belief in the overthrow by force or violence of the Government of the United States, and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law.

It is, therefore, recommended that the department issue its warrant for his deportation, on these grounds, such deportation to be to Russia at Government expense.

A. CAMINETTI,
Commissioner General.

Deport.

Assistant Secretary.

(NOTE.—Unsigned by Assistant Secretary.)

MARCH 22, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: John Dudinsky, or Ivan Dudinsky, No. 54810/346.

1. This alien appears to have been arrested several days before issue of Secretary's warrant and to have been interrogated by special agents of the department without warning that his statements might be used against him, without notification of his right to counsel, and (as alien asserts) under threats of bodily injury.

2. At his regular examination under the Secretary's warrant, several days after his examination by the special agent of the Department of Justice, the alien refused to answer questions without opportunity to have his counsel present. The legal right to have counsel before his examination proceeded was denied him until after several questions had been propounded and several exhibits put into the record. He finally secured counsel and thereupon, under advice of his counsel, he refused to answer questions on the ground that the whole proceeding was illegal because his arrest, etc., had preceded the Secretary's warrant.

3. It seems to me that there is enough lawful evidence in the record to make a prima facie case and thereby to put the alien upon his defense, but there is in the record some evidence unlawfully obtained and some which may have been lawfully obtained but is unlawfully in the record as evidence against the alien.

4. On the whole, from the time of his arrest until the admission of counsel, the alien's case was in several respects unfairly tried. Statements of alien, if made under duress, are not valid evidence against him; neither are un-supported statements of other witnesses made upon information and belief. The alien is not obliged to testify in his own case, and he is entitled to counsel at every stage.

5. Open the case for rehearing.

6. Application for reduction of bail from \$10,000 to \$1,000 may be made at the rehearing or at once to the immigration office, which is directed, in view of the long period during which alien has been in custody, to expedite such hearing and transmission of the record thereof.

7. Furnish alien's counsel with a copy of the foregoing memorandum for his information.

LOUIS F. POST,
Assistant Secretary.

MARCH 23, 1920.

Memorandum for the Assistant Secretary.

In re your memorandum of March 22, re John or Ivan Dudinsky.

For the purposes of this communication, the paragraphs in said memorandum will be numbered respectively in this order, 1, 2, 3, 4, 5, 6, 7.

As to paragraph 1: The bureau has no information concerning the statements therein contained, except as has been asserted in the record by the alien. It is unnecessary to state that the bureau has never authorized acts of the kind alleged, nor is the

service responsible for anything that may have happened. The bureau has observed that out of the hundreds of cases that have come to its notice but very few complaints of this character have been made, hence it does not feel that without an investigation unsupported allegations should be assumed to be fact.

Paragraph 2: Instructions, as the department knows, have been sent to all inspectors to observe the new rule, and the supposition is that it has been observed. Manifestly the inspecting officer was in error when he failed to take cognizance of the statement of the alien to the effect that he refused to answer without his lawyer. The inspector should then and there, if he had forgotten to carry out the rule, have immediately given him the required notice. The bureau will call this to the attention of the acting commissioner for proper action.

The contention of the attorney for alien as set forth in the concluding part of this paragraph that the entire proceeding was illegal because the arrest had preceded the secretary's warrant, in my judgment is not well founded. It is a matter that counsel may set forth in his brief for the consideration of the bureau and department after the case is reported.

Paragraph 3: The bureau is not in position to inform the district officer how to proceed under this paragraph on the rehearing, as what is legal evidence and what is unlawful evidence is not set forth. There is necessarily a wide latitude given an inspector because in the end his work is not conclusive until after it has been examined by the bureau, and finally by the department, so that if an unlawful act has taken place, or if illegal evidence has been used on the vital points of the case the alien will be protected. There is a question whether or not this paragraph should not be reconsidered in view of the fact that the last paragraph requires that a copy of this memorandum be sent to alien's council. If it is to remain, then the district office should be informed as to what is considered unlawful in the testimony so far taken.

(NOTE.—Paragraph 4 explains sufficiently. Mar. 24/20. L. F. P.)

Paragraph 4: Outside of the first sentence this paragraph constitutes a statement of legal principles the correctness of which as legal principles can not be questioned. As to the first sentence, I believe the reference applies to the failure of inspector to notify alien as to his right to have counsel, and that has already been referred to above.

Paragraph 5: The bureau will take the necessary steps to hold the rehearing as directed.

Paragraph 6: Instructions will be given as directed.

Paragraph 7: The suggestions of the department as to the observations made above under paragraph 4 are awaited before transmitting a copy of the memorandum as directed.

A. CAMINETTI,
Commissioner General.

(Paragraph 4 is self-explanatory.)

(Noted. Mar. 24/20. L. F. P. L. F. F.)

DEPARTMENT OF JUSTICE,
Washington, D. C., March 27, 1920.

HON. ANTHONY CAMINETTI,
Commissioner General of Immigration, Washington, D. C.
(Attention of Mr. Peters.)

DEAR MR. CAMINETTI: I have been informed that there is being an effort made to reduce the bond in the case of Ivan Dudinsky, alias John Dudinsky. In this connection, I have to refer you to my communications addressed to you under date of January 6 and January 20, 1920, relative to this matter, in which recommendation was made by this office that bond be increased in the case of Ivan Dudinsky and his brother, Jacob, from \$1,000 to \$10,000.

The ground upon which this recommendation was based was due to the fact that Ivan Dudinsky had been particularly active in the communistic circles in New Jersey prior to his arrest. At a meeting of Branch 1 of the Russian Communist Party, the subject who was a delegate to the Communist Party convention read the Communist constitution and urged the adoption of it. This meeting was held on October 7, 1919. He was likewise an organizer of the Second Branch of the Russian Communist Party and was in constant correspondence with Alexander Stocklitzky, the prime mover in the organization of the National Communist Party. He was a member of the First Russian Communist Branch and had many of the records in his room. At a meeting held on November 12, 1919, at No. 17 Charlton Street, he suggested that the members keep their membership cards and papers at home and not carry them on their person and in case of a raid to say that they belong to the propaganda

or the automobile schools. At a meeting held on September 13, 1919, the subject made a report upon the Communist convention held at the Smolny Institute, Chicago. This was a meeting of the First Russian Branch at No. 97 Springfield Avenue, Newark, N. J. The subject was a delegate to the convention of the foreign federations at Detroit, and recommended that a propaganda committee be organized in conjunction with a State committee. This committee was organized with nine members, with Dudinsky as chairman. Its purpose was to arrange mass meetings, to circulate literature, and to denounce the action taken by this Government toward Russia; to organize soviets in all manufacturing plants, to take part in all strikes in order to prepare the American workers to be ready to overthrow this present form of Government at the first possible opportunity, and to provide bail for speakers arrested while lecturing.

As above stated, the subject was a delegate from New Jersey to the national convention of the Communist Party in Chicago, held on September 1, 1919, at which time the manifesto and program of the Communist Party of America was drafted and adopted and upon which the ruling of the Secretary of Labor has been to the effect that the contents of the same is an open advocacy of the overthrow of the Government of the United States by force and violence. Dudinsky was also a delegate to the Detroit convention of the Russian Federation held a week or two previous to the national convention in Chicago, at which plans were laid for the formation of a Communist Party.

I, therefore, feel in view of the fact that this subject was actively identified with the formation of the Communist Party and was the leading agitator in New Jersey among the foreign elements for the creation of communistic groups, that his release at this time upon any bond less than \$10,000 would be inimical to the interests of the Government, and for that reason recommend that the amount of bond be retained at \$10,000.

I would appreciate it if you would advise me as to the action which is taken upon this recommendation.

Very truly, yours,

J. E. HOOVER,
Special Assistant to the Attorney General.

[Telegram.]

DEPARTMENT OF LABOR,
New York March 29, 1920.

BUREAU OF IMMIGRATION,
Department of Labor, Washington, D. C.:

Please act case Ivan Dudinsky bail reduction as discussed, also case Victor Lazarrado, admission case.

CHARLES RECHT.

MARCH 30, 1920.

Supplemental memorandum for the Assistant Secretary.
In re Ivan Dudinsky.

Referring to your memorandum of the 22d instant, you are advised that Attorney Charles Recht has made formal application for a reduction of bail for this alien from \$10,000 to \$1,000. Bail has been held at the first-mentioned figure because of alien's activities in connection with the Communist Party of America. His activities in this direction are commented upon in detail in letter hereunder received from J. E. Hoover, Esq., special assistant to the Attorney General, who urges that the amount of the bond be not reduced.

The bureau concurs in the recommendation contained in Mr. Hoover's letter, for it is its judgment that it would be unwise to release so dangerous an agitator as is this man on a bond in the comparatively small penalty of \$1,000, as it fears that a bond in this sum will not be sufficient to hold him.

A. CAMINETTI,
Commissioner General.

Assistant Secretary.

(Notation on supplemental memorandum.)

You are hereby directed to execute the directions of department memorandum of March 22, 1920, at once hearings de novo and report.

LOUIS F. POST,
Assistant Secretary.

MARCH 31, 1920.

[Telegram.]

DEPARTMENT OF LABOR,
New York City, April 7, 1920.

Hon. Louis F. Post,
Department of Labor, Washington, D. C.:

Would appreciate if you would take immediate action reducing bail of Ivan Dudinsky, Ellis Island. Number seven six one dash eight nine nine to three thousand dollars. Called Ellis Island on phone to-day; and they advised me to make application for reduction. Impression was recommendation approved. Your department.

CHARLES RECHT.

9.15 a. m., April 8. Law Div. Expedite. April 10/20. "C." (Noted Apr. 9/20. L. F. P.)

[Telegram.]

DEPARTMENT OF LABOR,
New York City, April 8, 1920.

Hon. Louis F. Post,
Department of Labor, Washington, D. C.:

In reference to application reduction bail Ivan Dudinsky, Ellis Island, number seven six one dash eight nine nine. Dudinsky had hearing to-day. Made application for reduction. Please wire instructions to reduce bail to \$1,000 at once. Alien consumptive; has been on Ellis Island since January 3. This is the case about which I spoke to you and in which you authorized hearing for purposes of reduction.

CHAS. RECHT.

9.15 a. m., April 9. Law Div. (Expedite. Apr. 10, 1920.) Noted April 9, 1920. "L. F. P."

Rec. 4/10/20 at 4 p. m. W. W. P.

APRIL 10, 1920.

Memorandum for the Assistant Secretary.

Referring to your instruction hereunder, which is attached to telegram, dated the 8th instant, addressed to you by the Attorney Charles Recht, of New York City, you are advised that the bureau does not recommend the release of the alien Ivan Dudinsky on bond in the low figure of \$1,000, for the reason that it is represented to it, by the Department of Justice, that this man was, previous to his arrest, particularly active in communistic circles in New Jersey; that he was a delegate to the Communist Party convention, read the constitution of the Communist Party, and urged its adoption before a branch of the Russian Communist Party in New Jersey; has been at various times an organizer for organizations comprised of foreigners, the purposes of which organizations are inimical to the best interests of the Government of the United States, has been actively identified with the propaganda work of the Communist Party; has endeavored to organize soviets in manufacturing plants to take part in all strikes "in order to prepare the American workers to be ready to overthrow this present form of Government at the first possible opportunity," and has in other ways actively identified himself with the growth in the United States of the Communist Party, in unlawful and alien organization. The bureau considers it quite unfortunate that it is necessary to permit this man to go at large under any circumstances, for he is quite clearly one of the agitating type who, while enjoying the hospitality of this country and the benefits of its institutions, has endeavored as best he might to foment trouble and bring about a state of disorder and chaos.

A. CAMINETTI,
Commissioner General.

(Reduce bail to \$1,000. Louis F. Post, Asst. Sec.)

CASE OF STANLEY HARNIN.

To offset any contention that the Assistant Secretary, in passing on cases of alien anarchists, believed that they did not come within the law, the case of Stanley Harnin, bureau file 54809/152 is cited. This man was ordered deported by the Assistant Secretary upon the

"interpretation alone" placed on the Communist Party with reference to the act by the Secretary of Labor in the Preis case.

The memorandum of the commissioner general and the opinion of the Assistant Secretary in the Harnin case read as follows:

MARCH 20, 1920.

Memorandum for the Acting Secretary.

In re Stanley Harnin (or B. Harnin), aged 25, single, born Vilna, Russia; landed at Halifax, July 24, 1913; ex steamship unknown, from Rotterdam; en route to the United States on bond.

Warrant is dated December 27 and hearing thereunder was held at Milwaukee on January 6, alien being represented by counsel, who has filed brief. No steps have been taken by this alien to become a citizen of the United States. Alien was apprehended at Vizay's Hall, Walnut and Eighth Streets, Milwaukee. He admits membership in the Communist Party of America, Russian Branch No. 1; was formerly a member of the Socialist Party; admits leaving the Socialist Party at the time of the split and becoming a member of the Communist Party; knows fully and is cognizant of the change and can not in any way be considered an "automatic" member. He admits reading the Communist Party pamphlet *Your Shop*; that many members of his branch had these pamphlets and they were in the hall. He states that his branch met at 324 Fourth Street. He favors the Russian Soviet form of Government, both for Russia and the United States. Counsel for the alien testifies that the Communist Party principles do not come within the scope of the act of October 16, 1918, but inasmuch as the Secretary has already ruled that they do, this becomes immaterial. Alien is also one of three members who signed a note for \$50 for the rent of the hall where his branch met.

The examining inspector recommends deportation, which is concurred in by the inspector in charge at Chicago.

The evidence submitted and adduced establishes, and the bureau finds, that this alien is in the United States in violation of law (act of Oct. 16, 1918), and is subject to deportation therefor, this on the ground, and it is so found, that he is a member of or affiliated with an organization that advocates, teaches, or entertains a belief in the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law.

It is therefore recommended that the department issue its warrant for his deportation on these grounds, such deportation to be to Vilna, Russia, at Government expense.

A. CAMINETTI,
Commissioner General.

Deport.

Assistant Secretary.

(NOTE.—Not signed by Assistant Secretary.)

(See Assistant Secretary memorandum Mar. 23, 1920, hereunder.)

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, March 23, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: Stanley Harnin (alleged Communist), No. 54809/152.

There is no evidence in this case which brings the alien within the deportation provisions of the act of Congress of October 16, 1918, or any other immigrant exclusion or expulsion law, except the evidence that he is a member of the Communist Party.

Therefore the only question for the Secretary of Labor to decide is whether or not the Communist Party is an organization, within the meaning of sections 1 and 2 of the act of October 16, 1918, "that entertains a belief in, teaches or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally of the Government of the United States or of any other organized government, because

of his or their official character, or that advocates or teaches the unlawful destruction of property."

The task of making that decision does not fall upon me, the Secretary of Labor in person having already made it in a case which is identical in the finding of fact as to membership, namely, that the alien is a member of the Communist Party. The Secretary's decision, by which I am bound and with which I agree, was set out in a memorandum in the case of Preis (No. 54709/495). A copy is hereto attached.

Upon that interpretation of the Communist Party documents and the fact hereby found that the alien in the present case is a member of the same Communist Party, and upon that fact and that interpretation alone, it is hereby directed that the alien be deported.

To enable the alien to conserve any rights he may have under the law in consequence of this administrative decision, let all proceedings be suspended for 30 days. Meanwhile, transmit a copy of this memorandum for his information, to the alien's counsel, Joseph A. Padway, Esq., Milwaukee, Wis.

LOUIS F. POST,
Assistant Secretary.

Law Division: Please follow instructions in memorandum. C.

CASE OF LOUIS WIRTH.

Directly opposite is the ruling of the Assistant Secretary in the case of Louis Wirth, bureau file No. 54859/524, and upon practically the same statement of facts. This case can be readily understood by the reading of the report and digest submitted to the Bureau of Immigration by the special assistant to the Attorney General in charge of anarchist matters, and the comprehensive memoranda of the commissioner general submitted with the record of hearing to the Assistant Secretary, who in this case does not hand down a written opinion, but simply notes on the bottom of the bureau memorandum the instructions to "cancel" the warrant and release the alien.

These documents, in the order mentioned, read as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., March 16, 1920.

Hon. ANTHONY CAMINETTI,
Commissioner General of Immigration,
Washington, D. C.

DEAR MR. CAMINETTI: My attention has been called by the Chicago office of the Bureau of Investigation to the case of Louis Wirth, an alien being held in Chicago under warrant of arrest issued by the Secretary of Labor for membership in the Communist Party of America.

It appears that the subject is a German alien and a graduate of the University of Chicago. He admits being an alien and a member of the central branch of the Communist Party of America. At the time of affiliation with this party he was pursuing a post-graduate course at the University of Chicago; at the time of his examination in the Federal building on January 6, 1920, and at the hearing before the immigration inspector he admitted that he was an active member of the Communist Party of America. His roommate was one Joseph Schaffe, secretary of the Central Branch of the Communist Party of America.

I understand that the defense of Wirth at the time of his hearing was based upon the theory that he is personally opposed to all forms of violence and unlawful means, and that he was prompted in the main to join the Communist Party of America for the purpose of advancing his opportunities to study first-hand social conditions. To my mind such a defense is solely frivolous. I have been informed of a number of other cases and in which the subjects frankly admitted that they were aliens and members of the Communist Party, but declared no personal intention to resort to force or violence. I find, upon referring to the act of October 16, 1918, amending the immigration laws; that it is provided "that any alien who is a member of or affiliated with any organization that entertains a belief in, teaches, or advocates the overthrow by force or violence the Government of the United States or of all forms of law shall be deported." This particular provision of the act of October 16, 1918, does

not require that the alien who is a member of such organization shall, in addition to being a member of the same, also actually believe in the principles advocated by the organization. There is an entirely separate provision for those who believe in or advocate the same principles advocated by the organization. I, of course, assume therefore that in all cases where the subject is an alien and membership is proven in the Communist Party of America that an effort to introduce a defense to the effect that the subject himself was not in sympathy with the doctrine of the organization of which he is an active member will be considered as insufficient to justify the cancellation of the deportation warrant. Any other construction could only be considered as reading into the act of October 16, 1918, something which does not appear in the law. Incidentally to this particular phase of the matter, each member of the Communist Party of America was required to sign, upon joining the same, a pledge wherein he stated that he had read the constitution and manifesto of the Communist Party and would endeavor to carry out not only the principles laid down in the Communist program of the Communist Party of America, but also the principles set forth in the manifesto and program of the third international held at Moscow March 2-6, 1919.

In view of the fact that he was well cognizant of the principles of the organization to which he belonged, irrespective of his contention that the joining of the same was for the sole purpose of extending his studies of sociology, the fact remains that he is an alien and a member of an organization declared to be unlawful, and the same is sufficient grounds to warrant his deportation.

I would appreciate an expression of your views in this matter.

Very truly, yours,

J. E. HOOVER,
Special Assistant to the Attorney General.

DEPARTMENT OF JUSTICE,
Washington, D. C., March 16, 1920.

HON. ANTHONY CAMINETTI,
Commissioner General of Immigration,
Washington, D. C.

DEAR MR. CAMINETTI: I take pleasure in inclosing herewith a memorandum giving a summary of all the facts in this office upon the activities of Louis Wirth, whose case is before your department in regard to deportation.

I communicated with you under even date, setting forth my views in regard to the legal aspects in this case. Wirth is considered by local officers of the Bureau of Investigation in Chicago to be particularly pernicious in his activities, and I heartily concur with them upon the recommendation that the subject be deported at the earliest possible moment.

Will you kindly advise me of the final action taken in this case.

Very truly yours,

J. E. HOOVER,
Special Assistant to the Attorney General.

DEPARTMENT OF JUSTICE,
BUREAU OF INVESTIGATION,
Washington, March 15, 1920.

Louis Wirth, subject for deportation under the act of Congress, approved October 16, 1918, amending the immigration laws of the United States.

A. *Biographical sketch.*—Louis Wirth is a German alien, 22 years of age. He arrived in the United States on Christmas Day, 1911, at New York port from Hamburg, on steamship *President Grant*, Hamburg-American Line. He is a student at the Chicago University for the degree of master of arts. He is a graduate of the high school of Omaha, Nebr., where he secured a scholarship to the Chicago University. He has never applied for citizenship papers, and is undecided as to his future residence, having under consideration the return to Europe to continue his studies.

B. *Activities.*—Louis Wirth admitted that he had been for two months a member of the Communist Party, Central Branch, 1221 Blue Island Avenue, Chicago, which was being organized for students. He admitted that he has attended various radical meetings. Many radical writings of the Communist Party were found among his effects. He stated that, being a student of economics, he reads every available publication. Wirth stated that he is opposed to violence or the overthrow of the Government by force; that he was prompted to join the Communist Party for the purpose of

advancing his opportunities to study first hand social conditions in connection with his university course.

C. *Federal statute applicable to this case.*—The act of Congress approved October 16, 1918, amending the immigration laws of the United States, provides in part as follows:

" * * * Aliens who are members of or affiliated with any organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, * * * shall be excluded from admission into the United States."

D. *Decision of the Secretary of Labor.*—The Secretary of Labor, on January 24, 1920, ruled that the Communist Party of America is an organization that entertains a belief in, teaches, and advocates the overthrow by force or violence of the Government of the United States.

E. *Conclusions.*—The conclusions based upon the foregoing facts are as follows:

1. That Louis Wirth is an alien and a subject of Germany.
2. That he is a member of the Communist Party of America.
3. That this party teaches and advocates the overthrow by force and violence of the Government of the United States.
4. That Louis Wirth is therefore subject to deportation under the act of Congress of October 16, 1918.

It is recommended, therefore, that Louis Wirth be deported to the country of which he is a citizen.

Respectfully submitted.

VERA C. BRUNGART.

Approved, March 15, 1920.

J. E. HOOVER,

Special Assistant to the Attorney General.

MARCH 13, 1920.

Memorandum for the Assistant Secretary.

In re Louis Worth or Wirth; aged 22; single; citizen and subject of Germany (race not stated); entered the United States at New York December 26, 1911.

A department warrant issued in this case January 8, 1920, based on an affidavit of a special employee of the United States Department of Justice, founded on information and belief, to the effect that alien is an active member of the Communist Party of America, and that he is an anarchist and believes in and advocates the overthrow by force or violence of the Government of the United States. He was accorded a hearing under the warrant at Chicago, Ill., February 4, 1920, being represented by counsel.

The testimony shows that he was arrested on the night of January 2, 1920, and that on January 6 he was examined by a special agent of the Department of Justice. A transcript of this examination was offered in evidence at the hearing (Exhibit D), the attorney waiving identification of same. Alien testified at that time that he had been a member of the central branch of the Communist Party, 1221 Blue Island Avenue, Chicago, for about two months; that this branch was in an embryonic or formative state, being formed for the students; that his roommate, Joseph Shaefer, was temporary secretary at one of the meetings of this branch; and that, being a student of economics, he reads every available publication on that subject, and has attended radical meetings at various places. When questioned by the examining inspector at the hearing regarding membership in the Communist Party the alien, in substance, reiterates his statements made before the special agent of the Department of Justice. From further evidence presented at the hearing it is evident that alien is a young man of superior intelligence. He is highly spoken of by the professors of the University of Chicago, of which institution he is a graduate, and letters attached to the record speak very highly of his character and ability.

While alien admits membership in the Communist Party of America he testified that he was not issued a membership card, and that he did not file an application for membership; that this was brought about by his friend and roommate proposing his name as a member and paying for him the usual initiation fees and dues amounting to something like 50 cents, which he promptly paid when informed of the exact amount. He was questioned as to his beliefs in Communist Party doctrines, and while he states that he subscribes in part to their teachings, he is opposed to all features embodying force or violence or the overthrow of government, and when asked why he belonged to the Communist Party if he did not believe in it, he explains that he was a student of social and political science, and that at the time he is supposed to have joined the party he was writing his master thesis in the department of sociology,

and in some phases of the Communist movement, and that for this reason he felt it was necessary for him to come in direct contact with the Communist Party.

Regardless of the extenuating features connected with this case, it is certain that, being a student of economics and sociology, and having read the manifesto and program and constitution of the Communist Party of America, as well as the manifesto of the Communist Internationale and other Communist Party publications, he may be said to have joined himself to the Communist Party with his eyes open, and it is evident that he is in a better position to understand the meaning of the movement and to intelligently decide the question whether he desired to make himself a part of the movement than the great majority of men, found to be members, and the knowledge undoubtedly gained of said party did not cause him to refrain from joining it or cause him to sever his connection with that movement.

Being a man of intelligence and supposed influence, the example set by him and the influence accruing to an unlawful movement are even more injurious to the Government than would result if he were a person lacking education and influence.

Alien is at present at liberty on bond.

The examining inspector recommends deportation, which is concurred in by the inspector in charge at Chicago.

The evidence submitted and adduced establishes, and the bureau finds, that this alien is in the United States in violation of law (act of Oct. 16, 1918) and is subject to deportation therefor; this on the ground, and it is so found, that he is a member of or affiliated with an organization that advocates, teaches, or entertains a belief in the overthrow by force or violence of the Government of the United States: and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law.

It is therefore recommended that the department issue its warrant for his deportation on these grounds, such deportation to be to Germany at Government expense.

A. CAMINETTI,
Commissioner General.

Cancel.

LOUIS F. POST,
Assistant Secretary.

Alien at large on bail.

(On slip of paper pinned to above: Law Div.: If release has not gone out it should not be delayed. Mar. 23/20. C.)

CASE OF ANTONIO PANEPINTO.

In the light of what has already been shown and what will hereafter be shown regarding the decisions, rules, regulations, etc., as made by the Assistant Secretary to suit the particular and individual case at hand, of interest are his words as expressed in a written opinion handed down by him under date of March 26, 1920, in the case of Antonio Panepinto, Bureau file No. 54766/387, wherein he says:

Nor can the Secretary's discretion under the law be limited by rules even though he has approved the rules.

CASE OF FRANK ODOBINA.

The Assistant Secretary has shown that in deciding cases he is following literally the statement contained in his memorandum handed down in the case of Thomas Truss, hereinbefore referred to, and particularly that portion in which he mentions giving the alien the benefit of every doubt. This is borne out by his decision handed down in the case of Frank Odobina, bureau file No. 54709/879. This decision reads as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, April 6, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: In re Frank Odrobina.

The alien's sworn statement while in the custody of the special agent of the Department of Justice, made as a prisoner and without notice of his right to counsel or warning that his statements might be used against him, are not sufficient to make a prima facie case. Reopen for proof other than the alleged admissions of the alien while he was under duress.

LOUIS F. POST,
Assistant Secretary.

CASE OF WILLIAM ZOBEC.

Special attention is called to bureau file 54860/34, wherein there are two memorandas, one prepared by the Bureau of Immigration and signed by the Commissioner General under date of April 8, 1920, and on that date sent to the department for the Assistant Secretary's decision. On the morning of April 9, 1920, this file was returned to the Bureau of Immigration with a memorandum dated March 10, 1920, which memorandum was evidently written by Mr. Davidge (one of the conciliators connected with the department and who, it is understood, has been assisting the Assistant Secretary to review and pass upon cases). It is believed that this memorandum bearing date of March 10, 1920, was really dictated and written in the Assistant Secretary's office on April 8, 1920, for the reason that this case was sent to the department on April 8, 1920, and returned on the morning of April 9, 1920, with both memorandums attached thereto. The memorandums mentioned are as follows:

APRIL 8, 1920.

Memorandum for the Assistant Secretary.

In re William Zobec, Croatian; aged 45; married; entered at New York on November 18, 1907, steamship *Amsterdam*.

Warrant was issued on January 9, 1920, alleging that the alien is in the United States in violation of the act of October 16, 1918, for the reasons set forth in the warrant, copy of which is in the record.

Hearing was accorded at Fort Wayne, Detroit, Mich., on February 7, 1920, the alien being represented by counsel. The record shows that he is married, his wife and four children, one native born, being in the United States. He testified that he joined the Socialist Party in 1911 or 1912: that his branch or party was splitting, but that he never filled out an application and didn't join the Communist Party. Immediately following his denial of membership in the Communist Party the alien admitted that he paid his dues in that party two days prior to his arrest; that his dues were three months behind and his branch had only Communist Party dues stamps; that his entire branch became a part of the Communist Party and there is no more Socialist Party in Michigan; that he attended a mass meeting when there was a big discussion about the change; that he doesn't believe in the principles and doctrines of the party. He admitted that he attended meetings of the party when he had the time. Exhibit B, in the record, is a statement made by the alien before an agent of the Department of Justice on January 7, 1920. In that statement he testified that he was a member of the Communist Party of America, South Slavic Branch No. 17; that his membership card was taken by the officers at the time he was arrested.

The alien's membership card is in the record and shows that his dues were paid in the Communist Party for the months of October, November, and December, 1919. He testified that he was told that the Constitution of the United States did not prohibit political organizations, and, therefore, he made no effort to determine whether the Communist Party was against the Government; that since he has learned that the party is against the laws of the United States he does not intend to continue to be a member thereof; that he would have withdrawn from the party before if he had known that it was opposed to Government; that he does not believe in the overthrow

of the Government by force; that he believes in the education of the people. The alien is at liberty under bond.

The unsupported allegations of the alien made at the hearing herein, after his arrest, concerning membership, or nonmembership, or affiliation or nonaffiliation with the Communist Party, or his claim of lack of knowledge of or belief in its principles, or his alleged withdrawal from said party, constitute self-serving declarations which, unless supported and proven by competent evidence based on his acts, declarations and circumstances occurring anterior to such warrant, can not be accepted as sufficient cause in law to warrant his release in the pending proceedings. Such allegations to the extent that they have been made by the alien herein have not been established by competent evidence.

The examining officer and the inspector in charge at Detroit recommend deportation.

The evidence submitted and adduced establishes, and the bureau finds, that this alien is in the United States in violation of law (act of Oct. 16, 1918), and is subject to deportation therefor, this on the ground, and it is so found, that he is a member of or affiliated with an organization that advocates, teaches, or entertains a belief in the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law.

It is therefore recommended that the department issue its warrant for his deportation on these grounds, such deportation to be to Jugo-Slavia at Government expense.

A. CAMINETTI,
Commissioner General.

Deport.

Assistant Secretary.

(Not signed by Assistant Secretary.)

MARCH 10, 1920.

(Further consideration required. J. M. L.)

Memorandum for the Assistant Secretary.

In re William Zobec, aged 45; Croatian; literate; wife and four children; entered at New York, N. Y., November 18, 1907, steamship *Amsterdam*; woodworker by occupation; at large on bond.

Warrant issued January 9, 1920, alleging that the alien is in the United States in violation of the act of October 16, 1918, for the reasons stated in the warrant, copy of which is in the record.

Hearing was accorded the alien at Fort Wayne, Detroit, Mich., on the 7th of February. The alien was represented by counsel. The testimony shows that he had taken out first citizenship papers in 1913; that in 1911 or 1912 he joined the Socialist Party; that "I was member there, and when that was that they divided, so I didn't like to be a member any more, only I have Socialist Party. The whole party was splitting, so I didn't join it;" that he last paid his dues two days before his arrest, the date of which can only be approximately fixed by the time of his examination before the special agent of the Department of Justice, which was on January 7, 1920; that at that time he was behind for three months in his dues, and that "they didn't have any other dues stamps so they give me this and they say it is the same, but it was coax me back, but I was not satisfied, not satisfied to-day, and I don't know myself what is wrong."

A Communist Party membership card was offered in evidence bearing three stamps, for October, November, and December, which is in accordance with the alien's testimony. At that time he says he did not know the change in the Socialist and Communist Parties had taken place. He further testified that he had never made out an application for membership in the Communist Party. The card itself recites that he was admitted April 15, 1919, which was something like five months before the organization of the Communist Party.

About the middle of December he attended a mass meeting at which the Communist Party was discussed. This was before he paid his dues, but he was then in arrears in the Socialist Party. He said he did not know the principles of the Communist Party; that they, evidently meaning those who attended the mass meeting, told him they would send him a constitution and by-laws, but did not do so, and that he had never seen them.

The record of his examination before the representative of the Department of Justice was offered in evidence and is in the record. He there says that he is a member of the Communist Party, which standing alone would indicate that he really was a

member of that party, but this must be taken in conjunction with his explanation. He was asked the question "When did you join the organization?" to which he replied "I joined the Socialist Party in 1912 and last September that party adopted the program of the Communist Party of America and I automatically became a member of the Communist Party of America." The very idea conveyed by the word "automatically" forbids his membership in the Communist Party. The utter absurdity of anyone automatically joining any political party where the creed or the belief is the essential thing to be accepted is apparent. The only way in which this man could have joined this party was by his own voluntary act, and automatism forbids voluntaryism.

The record shows that the alien has an equity in property of the value of \$2,400.

The immigrant inspector and the inspector in charge at Detroit recommend deportation.

The bureau recommends the cancellation of the warrant and the discharge of the alien.

Commissioner General.

(Not signed by Commissioner General.)

Cancel.

LOUIS F. POST,
Assistant Secretary.

It will be observed that both of the above memoranda refer to the same case. One is signed by Commissioner General Caminetti, and was written by his law division. The other is not signed by the commissioner, did not express his views on the case, and is the one accepted by Assistant Secretary Post.

CASE OF VASIL KLIMOVICH.

Bureau file No. 54680/160.

In re Vasil Klimovich or Vasili Klimovic or William Klymowich or Wasil Klemovitch, communist.

The above-named Russian alien was taken into custody at New York, N. Y., under departmental warrant of arrest dated January 12, 1920, on the basis of prima facie evidence furnished by Special Agent Frank R. Stone, of the Department of Justice, at Newark, N. J. The alien was given a hearing under the warrant of arrest in regular manner and a record of that hearing submitted to the bureau. Upon review of this record, the bureau reached the conclusion that the alien was a member of the Communist Party, which organization had previously been passed upon by the Secretary of the department as anarchistic.

It is desired to point out that when the case was finally submitted to the Assistant Secretary for his review, the examining officer at New York, the reviewing officer there, the reviewing officer in the bureau, and, finally the Commissioner General, were agreed that the decision for deportation was correct. The documentary evidence in the case showed that the alien in question was a member of the Communist Party of America, and he did not deny that he was, merely refusing to answer the questions put to him, apparently upon advice of his counsel.

On page 15 of the record of hearing it is noted that the alien made a motion, through his attorney, who was present at the hearing, that the warrant of arrest in the case be canceled and that he be discharged without delay on the ground that the Government had failed to establish and prove his case.

The Assistant Secretary, upon reviewing the case, declined to concur in the recommendation of the bureau that the alien be deported, but

instead directed that the alien's motion, referred to in the preceding paragraph, be granted. This direction, of course, had the effect of canceling the warrant. The Assistant Secretary further directed, in order to give the Department of Justice officials an opportunity to present further prima facie proof of the alien's membership in the Communist Party, that a new warrant of arrest be issued.

In connection with the above proceedings, it is desired to point out that if the Assistant Secretary conscientiously believed that the evidence in the case did not properly support the charges in the warrant and desired to give the Department of Justice an opportunity to furnish further prima facie proof of the alien's membership in the organization, he could, under the summary procedure followed in immigration cases, have directed that final decision be held in abeyance and the case reopened for the submission of such proof, instead of directing the institution of warrant proceedings de novo. By so doing he could have saved the bureau the time, labor, and expense involved in the institution of new proceedings.

CASE OF CHARLES BUISSSES.

Bureau file 54134/186.

In re Charley or Chas. Buissès, alias Capuses.

The above-named alien is a Russian who was arrested under departmental warrant at Chicago, Ill., in May, 1916, on the charge that he has been assisting prostitutes or promising to protect from arrest prostitute or prostitutes.

Upon the aforesaid warrant this alien was accorded a hearing in the usual manner, his attorney, A. L. Gettys, being present. The record of hearing was submitted to the bureau, accompanied by the recommendation of the examining officer and the reviewing officer at Chicago that the alien be deported. It was fairly shown by the record that this man had been assisting prostitutes in plying their trade. At the time of the hearing at Chicago he was an inmate of the house of correction, being then held on a bond of \$3,000 to await the action of the grand jury on a charge of pandering. Upon reviewing the case the bureau recommended the alien deported to Russia at Government expense, which recommendation was concurred in by the department. Accordingly a warrant was issued for the alien's deportation under date of May 24, 1916, said warrant being signed by J. B. Densmore, then Acting Secretary of Labor.

The record next shows that upon appeal of the alien's attorney, A. L. Gettys, the department, under date of December 23, 1916, directed that the alien's deportation be stayed and that his case be reopened at Chicago for submission of any additional evidence which the attorney might have to offer. A rehearing was accordingly granted and a record of same presented to the bureau. Upon review of this rehearing the bureau decided that no new facts were developed which would justify it in changing its previous recommendation, and again it submitted to the department a recommendation for deportation.

The Assistant Secretary passed upon the case, and under date of June 20, 1917, approved the bureau's recommendation for deportation.

On June 26, 1917, the bureau addressed letters to the inspector in charge of immigration at Chicago, Ill., Attorney A. L. Gettys, of the same city, and Congressman Martin B. Madden (whose interest in the case is not disclosed by the record), advising that the order of deportation previously issued would stand.

The record next shows that the bureau received on July 2, 1917, the following letter:

CHICAGO, ILL., June 28, 1917.

HON. LOUIS F. POST,
Washington, D. C.

DEAR MR. POST: I am inclosing herewith a letter from your department. I beg leave to state that in my judgment this is quite an unjust thing. The young man got a record against him on evidence manufactured by the police, entirely through prostitutes, without counsel, and the prostitutes were allowed to go free. (I said the boy had no counsel; he did have a counsel appointed by the court immediately upon the trial of his case. That is the greatest farce that was ever perpetrated. It would have been lots better for him to have gone alone. He would have gotten the sympathy of the jury.)

He has already served six months in the house of correction for something that I feel very certain he is innocent of. If you could have one look at this young man, you would be entirely satisfied he is innocent. The man is not a "pimp." He is working every day; never loses a day's time, except through illness, or the necessity of being in court; besides, you know me well enough to know I have always been inclined to uphold the weak, the same as you have, and in my judgment, in this case, the young man is absolutely innocent, and he would make a good citizen.

I hope that this decision of your department will be reconsidered.

Yours, very truly,

A. L. GETTYS.

With the receipt of the foregoing letter and attached thereto was the following memorandum:

BUREAU OF IMMIGRATION.

Return with file and suspend deportation pending further instructions.

L. F. P.

No further action has been taken in this case. Under date of January 18, 1917, the department ordered the release of the alien under bond in the sum of \$1,000 and so far as the bureau has knowledge, he is still at large on that bond.

The record in this case shows that proceedings on the part of the bureau were regular and fair in every way. Obviously the Assistant Secretary must have believed that they were fair and that the evidence was sufficient to establish the charges against the alien until receiving the above letter from Mr. Gettys, evidently his personal friend. As against the action of the local Chicago court in imposing a fair sentence upon him and the recommendation of the Bureau of Immigration for his deportation upon practically the same charge, is the mere opinion of Mr. Gettys, which opinion the Assistant Secretary decided to accept, resulting in the reversal of his own previous decision.

CHANGE OF RULE 22.

For some considerable time there had been a persistent effort on the part of some one connected with the Department of Labor to give aliens arrested for violation of the act not only the benefit of every reasonable doubt, but the benefit of every doubt whether reasonable or not, and, in fact, to give him every assistance in besting the Government.

Regulations and rules have been promulgated in connection with the various acts of Congress pertaining to immigration, and, among others, one known as rule 22, which relates to procedure in arrest cases. Originally this rule instructed that "during the course of the hearing" after the Government's interests had been subserved, the alien should be notified of his right to be represented by counsel, and if he went on record as desiring counsel to appear in his behalf, the hearing should be deferred in order to enable him to obtain counsel and to enable counsel to be present, the latter having the right to examine the record so far made, the evidence on which the warrant of arrest was based, the warrant itself, to cross-examine witnesses, and to introduce any evidence on behalf of the alien that he might desire; also to submit a brief or argument. This rule had withstood attacks in various courts throughout the United States, and was made for the sole purpose of giving the Government an "even break" with the alien. It has, however, recently been changed back and forth without question as to the Government's interest, but carefully looking after the alien's interest in detail.

A letter written by the Commissioner of Immigration at Ellis Island with reference to the changing of this rule, while setting forth his individual opinion and experience, really sets forth the opinion and experience of practically all field officers in the Immigration Service throughout the United States handling that class of cases.

Under date of December 30, 1919, a memorandum was prepared on this subject by the Acting Secretary and approved by him. This memorandum, it will be noted, changes the rule in question back to its original form. A letter to the bureau, dated January 22, 1920, written by the Special Assistant Attorney General in charge of anarchist matters for the Department of Justice also touches on this rule.

Under date of January 27, 1920, the rule was again changed in favor of the alien.

These documents, in the order mentioned, read as follows:

UNITED STATES DEPARTMENT OF LABOR,
OFFICE OF COMMISSIONER OF IMMIGRATION,
Ellis Island, New York Harbor, N. Y.

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

Under date of April 5, 1919, No. 54645/378, you notified this and other offices of change in paragraph (b), subdivision 5, of rule 22, relating to warrant proceedings. Neither at that time nor subsequently were any reasons given why the rule in question was altered by stating "at the beginning of the hearing under the warrant of arrest, the alien shall be allowed to inspect the warrant of arrest and all the evidence on which it was issued, and shall be apprised that he may be represented by counsel," instead of allowing it to remain as originally written, viz, "During the course of the hearing the alien shall be allowed to inspect the warrant of arrest and all the evidence on which it was issued; and at such stage thereof as the officer before whom the hearing is held shall deem proper, he shall be apprised that he may thereafter be represented by counsel," etc.

When the notice of change was received, there was no doubt in my mind that the granting of these hearings would be much complicated and, as to certain classes of cases, the Government very greatly hampered in securing essential facts, by reason of the change in question. Experience has more than justified my apprehension in this respect. The only object of these hearings is to secure the facts as to whether an alien is or is not in the United States in violation of law, so that the Secretary may take appropriate action concerning him.

Certainly those aliens who are not here in violation of law have no reason to refrain from making a frank and truthful statement upon any such question. It has been

held by the courts that the immigration law is one of "Police and public security" (see the Japanese Immigrant Case, 189 U. S., 86), and if we proceed in such hearings according to "due process of law," it seems to me that no fair-minded person, and certainly no court, will criticize or interfere with us. It seems most inadvisable for the Government to tie its own hands by such a change in this particular paragraph, which has been promulgated in the printed regulations.

Criminals and those of the anarchistic class who ordinarily would more or less frankly state essential facts, absolutely decline to do so upon advice of counsel. This is not always or, in fact, frequently due to the belief that deportation would be a punishment; nor do I feel that, as to this class of cases, such a course is a punishment. Nevertheless, counsel advises them to decline to furnish essential facts, so that they may remain here and continue the teaching and practicing of their unlawful doctrines. Expulsion of the class of aliens in question is for the welfare of the United States, and most assuredly we should not voluntarily make rules and regulations which will prevent the execution of the law and set aside the protection to the country for which our statutes were enacted.

For many years the regulation in question stood the test of the courts in this district—and, so far as I am aware, in other districts—and why this change should be put into effect at a time when it is so essential to rid the country of the radical element which is endeavoring to pull it down, is beyond my comprehension. I most earnestly and urgently recommend that the rule, as it previously existed, be restored to the regulations.

BYRON H. UHL,
Assistant Commissioner.

DECEMBER 30, 1919.

Memorandum for the Acting Secretary.
In re proposed amendment of rule 22.

The bureau has for some months past had under consideration the advisability of changing paragraph b, subdivision 5, of rule 22, immigration rules, back to substantially the form in which it existed prior to March, 1919. Said paragraph in its present form reads as follows:

"At the beginning of the hearing under the warrant of arrest the alien shall be allowed to inspect the warrant of arrest and all the evidence on which it was issued and shall be apprised that he may be represented by counsel. The alien shall be required then and there to state whether he desires counsel or waives the same, and his reply shall be entered on the record. If counsel be selected, he shall be permitted to be present during the conduct of the hearing, and to offer evidence to meet any evidence presented or adduced by the Government. * * *"

After a careful consideration, having in mind the protection of the interests of the Government to the fullest extent possible consistent with a fair hearing, so far as the affected alien is concerned, the bureau suggests that the portion of the paragraph above quoted be supplanted by the following:

"Preferably at the beginning of the hearing under the warrant of arrest or at any rate as soon as such hearing has proceeded sufficiently in the development of the facts to protect the Government's interests, the alien shall be allowed to inspect the warrant of arrest and all the evidence on which it was issued and shall be apprised that thereafter he may be represented by counsel. The alien shall be required then and there to state whether he desires counsel or waives the same, and his reply shall be entered on the record. If counsel be selected, he shall be permitted to be present during the further conduct of the hearing and to offer evidence to meet any evidence theretofore or thereafter presented or adduced by the Government. * * *"

The adoption of the amendment proposed would be a virtual return to the rule as it existed prior to March, 1919, which rule, while made the subject of criticism in a few scattered decisions rendered by district courts, met with almost universal approval by the courts, particularly the circuit courts of appeal and the Supreme Court. The bureau knows of no case in which a writ of habeas corpus was sustained by reason of the fact that the rule excluded counsel from the hearing during its preliminary stage. On the other hand, the rule as it then existed made for an expeditious handling of the cases, and, it is believed, did no substantial injury to the alien being heard, who went ahead with his testimony, undoubtedly telling the truth in most instances as he saw it, without being hampered by the advice of counsel, in all too many instances to the effect that he either refuse to answer questions or that he testify along certain lines only.

In the bureau's judgment, an immediate change of the rule in the manner and to the extent above suggested is extremely desirable. If you will indicate your approval of

the matter, an amendment to the rule will be prepared, in circular form, for distribution to the various field stations.

The bureau's attention has recently been directed, through the arising of a number of cases in which the point has been raised, to the fact that rule 22 does not now contain in subdivision 1 thereof, enumerating the divisions into which aliens who may be arrested and deported fall, any provision directly covering the case of a Japanese alien who has entered the United States in violation of rule 11 of the President's proclamation therein quoted, and of the so-called gentleman's agreement. To meet this omission the bureau now suggests that there be added to subdivision 1 of rule 22 a paragraph reading as follows:

(w) Any alien who shall have entered the United States in violation of so much of the immigration act of February 20, 1907, as is cited in the proclamation of the President issued February 24, 1913, quoted in rule 11 of these rules, and in violation of said proclamation and said rule; limitation three years; not retrospective."

There should be a footnote to the new paragraph reading as follows:

"1. Warrants issued on this ground will cite the 1907 statute. While the sixth proviso to section 3 of the 1917 act repeats the last proviso to section 1 of the 1907 act, it was not deemed necessary to issue a new proclamation, inasmuch as the one issued February 24, 1913, was 'an act * * * done' and a 'thing or matter * * * existing' when the 1917 act took effect, and was therefore saved intact by the last proviso to section 38 of the 1917 act. The provision is classed as 'not retrospective' because in this instance dependence is had upon the old, not upon the new, law.

"In connection with this matter, see Annual Report of the Commissioner General of Immigration for the fiscal year 1908, pages 125, 126."

In support of the foregoing, see memorandum prepared by Mr. Parker.

A. CAMINETTI,
Commissioner General.

Approved:

JOHN W. ABERCROMBIE,
Acting Secretary.

DEPARTMENT OF JUSTICE,
Washington, D. C., January 22, 1920.

HON. ANTHONY CAMINETTI,
Commissioner General of Immigration,
Washington, D. C.

DEAR MR. CAMINETTI: I desire to call to your attention a matter which I consider to be of vital importance to the successful termination of the cases pending before the immigration officers of aliens who are members of the Union of Russian Workers. As you have no doubt been advised, Judge Knox, of New York, ruled in the case of Gregory Weinstein that where the warrant of arrest issued by the Secretary of Labor contained the proviso that the subject was to be released "pending further proceedings" upon the bond fixed by the Secretary of Labor, that it was incumbent upon the immigration officers to release the subject, notwithstanding the fact that he had refused to submit to a preliminary examination provided for in rule 22 of the immigration regulations. I believe a careful reading of the decision of Judge Knox will also lead one to the conclusion that it lies within the province of the Secretary of Labor to change the wording of the warrant so as to prevent the arising of such a situation. In other words, the warrant may contain the provision that the subject is to be released upon a certain bond after having submitted to the preliminary examination provided for in the release of the immigration regulations. Of course, the situation might be met by fixing the bond at a higher amount. However, I believe that the Secretary of Labor is not desirous of placing the bond of the Communists at more than \$1,000, except in cases where there are aggravating circumstances. However, in view of the ruling of Judge Knox, rule 22 is virtually of no value and for that reason I desire to urge upon you for your earnest consideration the advisability of changing the phraseology of the bond clause in the warrant which will enable the enforcement of rule 22 and the accomplishment of the ends of justice.

At the present time, under the ruling of the New York court, the subject is released and is then advised by counsel that he should answer no questions concerning his alienage or concerning his activities, which virtually defeats the ends of justice and prolongs the hearings an unreasonable length of time.

Will you kindly advise me as to the action which you decide to take in this matter?

Very truly, yours,

J. E. HOOVER,
Special Assistant to the Attorney General.

To all commissioners of immigration and inspectors in charge:

The following instruction, dated January 26, 1920, and issued by the Secretary of Labor, is hereby promulgated for the information and guidance of all officials of the Immigration Service:

(1) That the amendment to paragraph (b), subdivision 5, of rule 22, approved December 30, 1919, is hereby canceled and the rule restored to read as follows:

"(b) At the beginning of the hearing under the warrant of arrest the alien shall be allowed to inspect the warrant of arrest and all the evidence on which it was issued, and shall be apprised that he may be represented by counsel," etc.

(2) Whenever an attorney advises the immigration officer in charge that he has been retained by some third person or association as counsel for the alien, the alien shall forthwith be informed of the fact and allowed to accept this counsel if he so desires.

(3) Any attorney who presents himself upon his own initiative as counsel for any alien shall be denied the privilege of acting as counsel unless and until the alien expresses a desire for such counsel.

(4) In every case where a hearing can not be had immediately the alien will be admitted to bail pending hearing.

(5) The fact that an alien refuses to testify in his own case shall not be held as grounds for refusing bail.

A. CAMINETTI,
Commissioner General.

By direction of the Secretary.

Exact copy as signed by A. Caminetti mailed January 29, 1920, by——.

Rule 22 as it reads at the present time has been carefully followed in the handling of all of the recent anarchist cases and would seem to have given the alien sufficient benefits without surrounding him with the additional protection as has been done by the Assistant Secretary of Labor in the various cases and decisions cited herein. That there is no court precedents to uphold these rules arbitrarily made by the Assistant Secretary is indicated by the fact that when Judge Anderson recently gave attorneys for aliens an opportunity to cite such decisions, they could not do so. This is shown in a report to the bureau made by the commissioner of immigration at Boston, dated January 15, 1920, and reads as follows:

UNITED STATES DEPARTMENT OF LABOR,
OFFICE COMMISSIONER OF IMMIGRATION,
Boston, Mass., January 15, 1920.

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

As reported to the bureau by telephone yesterday, hearing was held this morning before Federal Judge George W. Anderson on the petition filed two days ago on behalf of 112 alleged communists by Attorney Thomas G. Connolly, of this city. Copy of Mr. Connolly's petition is inclosed herewith for the bureau's information.

An answer was filed by Mr. Goldberg, assistant United States district attorney, admitting custody of all the 112, unless upon carefully checking up the names in the petition it should later develop that some of the men were not in custody, it appearing upon a hurried checking up that 64 of the 112 were names of people unknown to us; but denying all other allegations that may have been set forth in the petition. Mr. Goldberg also filed a motion questioning the authority of Mr. Connolly to appear as attorney or as next friend in these cases. The court allowed Attorney Connolly to make a statement, not under oath, to the effect that in about 32 of the cases he had been retained, either in person or by letter or by telephone, by wives or relatives of the aliens, but that in the balance of the cases he had been retained by a "committee." As to these latter, the court held that the authority was not sufficient, but as to the others the hearing proceeded.

An agreed statement of facts was drawn up by counsel for both sides setting forth in substance that warrants, similar to one filed with the answer in one of the cases, had been issued and served in each of the cases of the men in our custody, signed by the Secretary or the Assistant Secretary of Labor.

The only issue before the court this morning, therefore, was as to whether or not the warrants were defective in that they simply followed the language of the statute

and did not specifically set forth the act or acts for which the aliens were arrested and with which they were charged, such as the name of the organization to which they belonged, who the officers were, when the organization was formed, etc.

The authorities cited by Mr. Goldberg for the Government, and by Mr. Connolly for the petitioners, are set forth in memorandum inclosed.

During the course of the arguments Judge Anderson stated that "We are not on the hustings," but were concerned merely with what the law was and not individual opinions as to what the law ought to be. He asked the question of Mr. Connolly if the latter could point out to him anything in the law or decided cases showing that if a warrant was defective, or even if no warrant was issued or served or a return made thereon, deportation proceedings could be upset or could be held to be unfair if thereafter an alien was apprised of the charge against him, was given an opportunity to be represented by counsel, and allowed to introduce evidence, cross-examine the witnesses against him, etc., to which Mr. Connolly replied with an argument but with no authorities.

At the conclusion of the hearing Judge Anderson dismissed the petition without prejudice, stating that he would entertain an amendment to the petition if Mr. Connolly desired to make one, asking bail for these men pending a hearing by the immigration authorities, and would hear both sides on the question.

He further stated that if Mr. Connolly had exhausted his remedies before the immigration department he then desired to file a petition alleging an unfair hearing, then he would hear anything in the way of testimony as to the manner in which these men had been taken into custody in this raid, held incommunicado at Deer Island, their mail censored, and any and all circumstances bearing on the question of whether they had been treated as men should be treated and whether or not they had been accorded a fair hearing.

The bureau will be advised of any further developments.

H. J. SKEFFINGTON, *Commissioner*.

SPEEDING UP OF FINAL DECISIONS.

That the Bureau of Immigration, on account of its limited help, was swamped with the large number of anarchist cases arising out of arrests of members of the Communist Party and members of the Union of Russian Workers, is without question. The Assistant Secretary, however, seems to have had a much larger capacity, or else he was not examining the record of the hearings with care. At any rate he was canceling warrants, and paroling aliens without bond almost as fast as he could sign his name, and not satisfied with that was calling for more cases and more action. The bureau on the other hand was trying to review the cases properly in order that no injustice would be done, and was opposed to the policy of releasing anarchists on the community on parole or small bonds.

This is clearly shown by the memoranda that passed back and forth between the Commissioner General and the Assistant Secretary regarding these subjects.

The memorandas in question read as follows:

MARCH 24, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: Disposition of aliens charged with being members of the Communist Labor Party.

It is my understanding that departmental warrants have been issued for the arrest of a considerable number of aliens as members of the Communist Labor Party, the exact status of which with regard to the act of October 16, 1918, has not yet been determined by the Secretary. Since it now appears probable that the Secretary may not be able to rule on that point for a considerable time, you are directed to take the following action in Communist Labor Party cases, for the purpose of eliminating hardships not necessary to protect the interest of the Government.

1. Instruct all inspectors in charge immediately that they parole to counsel aliens who come within the above-mentioned classification, if the inspector in charge knows counsel for the alien to be of good standing and reputation.

2. In cases where parole to counsel can not be effected but the inspector in charge is satisfied that the alien will appear when wanted, instruct the inspector to release upon the alien's own parole.

3. The foregoing instructions do not apply to arrested aliens not now in custody.

4. Instruct inspectors in charge to transmit, not later than March 31, the names of aliens in their custody who come within the above classifications but in whose cases such procedure is undesirable, stating in each case the reason why it is undesirable.

5. Transmit to the department the reports of disposition of cases referred to in this memorandum.

LOUIS F. POST,
Assistant Secretary.

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, March 25, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: Communist Party cases.

The bureau is becoming dilatory in transmitting Communist Party warrant cases to the department for decision. Comparatively few of these cases have been received by the department since March 18, and none at all were received yesterday.

You are hereby directed to transmit by bearer not less than 10 files in these cases.

LOUIS F. POST,
Assistant Secretary.

Yesterday I was engaged in Department of State matters and endeavoring to arrange matters to facilitate deportations to Russia (Soviet) particularly. Also prepared and sent you memoranda on three subjects in connection therewith. To-day in addition to usual work am acting as far as I can in place of Mr. Peters, who has been detailed to New York.

MARCH 25, 1920.

C.

Noted March 25, 1920.

L. F. P.

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, March 27, 1920.

For: The Commissioner General of Immigration.

From: The Assistant Secretary.

Subject: In re parole of aliens, No. 54844/190.

Your appeal to the Secretary by memorandum of March 26, 1920, from decision of the Assistant Secretary in re Communist Labor Party cases, made in his memorandum of March 24, has been noted and transmitted to the Secretary.

Pending decision thereon by the Secretary, you are hereby directed to execute the directions of the Assistant Secretary's memorandum of March 24, which require (1) instructions to inspectors in charge to parole to counsel aliens who are under arrest upon the charge of being members of the Communist Labor Party, if the inspector in charge knows counsel for the alien to be of good standing and reputation; (2) in cases in which parole to counsel can not be effected, but the inspector in charge is satisfied that the alien will appear when wanted, instructions to release upon the alien's own parole; (3) the foregoing directions not to apply to arrested aliens not now in custody; (4) instructions to inspectors in charge to transmit, not later than March 31, the names of aliens in their custody who come within the above classifications but in whose cases such procedure is undesirable, stating in each case the reason why it is undesirable; (5) transmission to the department of the reports of disposition of cases referred to above. Copy attached.

LOUIS F. POST, *Assistant Secretary.*

Noted. C.

MARCH 31, 1920.

Memorandum for the Assistant Secretary.

Your memorandum of the 27th instant, in re parole of aliens, I am informed, was received in the bureau after office hours on the 29th, and having by some one been attached to file No. 54844/190, was not found immediately, as I was looking for it elsewhere than in a Communist Party file. The bureau notes that the appeal has

been sent to the Secretary; but since you are proceeding with the subject of said appeal as though it had not been taken, the bureau does not care to bother the Secretary with taking up a matter upon which you propose to act, notwithstanding the appeal was taken by the bureau as provided by the memorandum of the Secretary of January 7, 1916. Therefore, the bureau respectfully withdraws the appeal heretofore entered herein.

A. CAMINETTI,
Commissioner General.

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, March 27, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: In re disposition of warrant cases.

The number of records in warrant hearings transmitted to the department by the bureau during the past week is not sufficiently large to give promise of an expeditious disposal of the extraordinarily large number of cases now outstanding. It is therefore directed that beginning with Monday, March 29, the bureau transmit not less than one hundred (100) records per day until all the warrant cases are disposed of.

In transmitting records divide them into the three classes described below.

Should the number of cases available upon any given day within the first class fall short of the daily quota, transmit a sufficient number each day from the second class, and, if necessary, from the third to make up the deficiency.

The order of priority in transmitting those classes shall be as follows:

1. Cases in which a memorandum with or without recommendation is submitted under the signature of the commissioner general or other duly authorized officer of the bureau.

2. Cases in which a memorandum with or without recommendation has been prepared in the bureau but to which the signature of the commissioner general has not been attached.

3. Cases in which no memorandum has been prepared by the bureau.

It is also directed that each inspector in charge be immediately instructed by wire to telegraph the number of warrant cases outstanding within his jurisdiction at the close of business to-day in which he has transmitted no hearings.

LOUIS F. POST,
Assistant Secretary.

MARCH 27, 1920.

Memorandum for the Assistant Secretary:

The bureau is in receipt of your memorandum of this date in re disposition of warrant cases. The bureau will endeavor to comply with your request as to the number of records to be sent daily. If circumstances occur that prevent the same from taking place, it will inform you thereof.

The bureau has not, of its own motion, sent unsigned memoranda to the department. Those that have reached you have come either at your own request or in other ways, for which the bureau is not responsible. Telegrams, as directed, have been sent to all stations.

A. CAMINETTI,
Commissioner General.

BUREAU OF IMMIGRATION,
March 30, 1920.

Memorandum for the Assistant Secretary.

Subject: Delivery of quota of warrant cases.

In answer to your first memorandum on this subject, I said that I would do the best I could in connection with the other work, with a view to supplying the 100 cases each day. It is, of course, a difficult undertaking to study and determine upon a recommendation to be made in so considerable number of cases in a day of the importance of the cases arising under the anarchist provisions of the immigration law.

The bureau regrets that it has been asked to send unsigned memoranda to the department in the class of cases referred to, as the bureau believes that good administration requires that it act upon and express itself in each case that comes to it from the field service.

There are many things arising daily in the bureau to require my attention—matters which I must consider and attend to. I trust that this fact will be taken into consideration by you.

I beg to state, in this connection, that I have read and considered over half of the cases which are now in the bureau and in which tentative memoranda have been prepared. Obvious need for changes in some of these memoranda and need for discussing others with the law officer of the bureau have prevented my transmitting them to you for decision at an earlier date. Also, there was returned to me night before last, for consideration and correction where necessary, the testimony recently given by me before the House Committee on Appropriations. Two or three demands have already been made upon me for the return of this transcript.

I trust that the foregoing will be accepted as constituting a sufficient reason for not meeting the requirements incident to supplying you with 100 cases daily up to this date. I will endeavor to the utmost, no matter at what personal cost, to turn over to you a considerable proportion of the cases that I have already read and considered on to-morrow.

A. CAMINETTI,
Commissioner General.

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington, March 31, 1920.

Memorandum for the Assistant Secretary.

In re parole of aliens (Communist Labor Party).

The bureau, in accordance with directions found in your memorandum of the 27th instant (received the 29th), has prepared telegraphic instructions to all commissioners of immigration and inspectors in charge for the signature of the Assistant Secretary. Please find such telegraphic instructions hereunder.

A. CAMINETTI,
Commissioner General.

Noted and telegraph signed with an alteration. March 31, 1910. L. F. P.

Attention is especially called to the Assistant Secretary's memorandum of March 27, instructing that he be furnished with "not less than 100 cases a day" and dividing the cases into three classes; also the bureau's protest at being instructed to submit cases without having had an opportunity to review same and make appropriate recommendations. The protest of the latter did little good, however, as the Assistant Secretary began to decide cases without review by the bureau and without an expression from the commissioner general as to what he thought should be the final decision in the case.

This is clearly shown by a long list acted on as set forth above, and, which will be incorporated in this report in list form later; also by the memoranda of the Assistant Secretary in a few cases which read as follows:

CASE OF LUPERT BLANAR.

APRIL 5, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: In re Lupert Blanar, No. 54709/336.

The case was called to the attention of the Commissioner General of Immigration by special assistant to the Attorney General, November 7, 1919. Investigation was ordered by the bureau November 11, 1919. The alien was at that time in the county jail at Omaha serving a sentence of 30 days for vagrancy. Investigation had been made on the 10th. Alien joined the I. W. W. about three years before. On the basis of this examination a warrant of arrest was recommended by the bureau (and issued by the Assistant Secretary of the Department on the 22d of November) as an alien anarchist, believing in and advocating the overthrow by force and violence of the Government of the United States. Under this warrant an examination was had on

November 22, 1919, and transmitted to the bureau February 27, 1920. The file came to the department on the 3d of April in response to the letter of the assistant United States attorney at Omaha hereunder. Upon examination of the record the department finds that the evidence on which the warrant of arrest issued was insufficient and that the subsequent hearing does not sustain the warrant of arrest.

Warrant is canceled.

LOUIS F. POST,
Assistant Secretary.

(No memo. of bureau.)

CASE OF SIMON YUMPLOT.

APRIL 5, 1920.

Subject: Simon Yumplot (alleged Communist), 54810/22.

Stay proceedings three months, inspector in charge to be instructed to report at end of that time, and alien to be released meanwhile on \$1,000 bond.

LOUIS F. POST,
Assistant Secretary.

(No memo. of bureau.)

APRIL 6, 1920.

MY DEAR MR. EDLIN: I am in receipt of your letter of April 3 with regard to Simon Yumplot (No. 54819/22). In the case of this alien the department directed on April 2 that proceedings be stayed for three months, the inspector in charge at Hartford to be instructed to report at the end of that period, alien to be released meanwhile upon bond of \$1,000.

Very sincerely,

LOUIS F. POST,
Assistant Secretary.

HARRY L. EDLIN, Esq.,
*Suite 209, 42 Church Street,
New Haven, Conn.*

CASE OF PETER BONDAR.

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY.
Washington, February 25, 1920.

For: Mr. Abercrombie.

From: Mr. Post.

Subject: Immigration case of Peter Bondar, File No. 55860/756. Held under alien anarchist clause.

A second letter from Harry L. Edlin, Esq., of New Haven, bearing date of February 20, 1920, and addressed to me as Assistant Secretary, calls attention to several of his cases, including those regarding which I have already communicated with you on the basis of Mr. Edlin's first letter. He complains in respect of several of his clients who have been confined in jail for excessive periods and been unable to obtain bail. Preparatory to acknowledging and replying to his letter I have sent for the bureau files in those of the cases to which he refers that I have not already examined and communicated with you about.

One of these is the case of Peter Bondar (No. 54860/756). The warrant bears date January 17, 1920, and requires bail in \$1,000. Increase of bail was recommended by Immigrant Inspector Clark, of Hartford, on January 26, and on January 27 the department ordered the increase. There is also a letter of January 28 from the special assistant to the Attorney General describing the alien as a leader in the Communist movement in Hartford and particularly active in that organization. Beyond this the file discloses no facts. If the alien was arrested promptly after the issue of the warrant on January 17, it would seem that the case against him ought by this time to have been received in due course by the Secretary.

LOUIS F. POST,
Assistant Secretary.

Warrant canceled April 5. No memo. by bureau.

CASE OF DMYTRO MAKOHON.

FEBRUARY 26, 1920.

Memorandum for the Acting Secretary.

In re Dmytro Makohon; Ukrainian (Austria); age, 34; married; entered at New York in 1912; steamship unknown.

Department warrant issued December 29, 1919, alleging that the alien is in the United States in violation of the act of October 16, 1918, as specified in the warrant, a copy of which is in the record.

Hearings under the warrant were accorded the alien at Buffalo, N. Y., on January 9 and 31, 1920, the alien waiving his right to counsel. The testimony shows that the alien is illiterate; a laborer; that he has a wife and child in Austria; that he never applied for citizenship. In the original hearing on January 9, 1920, the alien admitted that he was a member of the Socialist Party since 1916; denied that he ever signed an application for membership in the Communist Party; denied having a membership card in said party; that he was in New York at the time of the split, and had not paid dues since returning from New York; that he had attended meetings since his return from New York and was treated as others present, and did as other present; that he listened to the speakers. On rehearing on January 31, the alien again waived right of counsel and testified that may be he had attended a hundred meetings of the left wing of the Russian Socialist Party at 120 Amherst Street, Buffalo; that he attended one meeting on Churchill Street after the left wing socialist joined the Communist Party. Exhibit E, original application for membership, together with photostatic copy of same, was exhibited to alien, who acknowledged same was in his name. The application shows that application was submitted August 7, 1919, and showed on the reverse side that the alien was admitted on August 11, 1919, to membership in the Communist Party. Asked if he wasn't a leader in the Communist Party, the alien replied: "Well, what of it? That's nothing. Suppose I was." The alien denied that he carried a red flag in a parade last May and was arrested; admitted that he had a red flag in his bed. The alien finally testified that he is a member of the Communist Party.

Exhibits 1 to 8, extracts from Communist Party documents, were introduced into the record to establish the character of the party. Exhibit X, being sworn statement of the alien before an agent of the Department of Justice, was properly made a part of the record. The alien is being detained in the Erie County Jail in default of bond in the sum of \$1,000.

The examining officer recommends deportation.

The evidence submitted and adduced establishes, and the bureau finds, that this alien is in the United States in violation of law (act of Oct. 16, 1918), and is subject to deportation therefor, this on the ground, and it is so found, that he is a member of or affiliated with an organization that advocates, teaches, or entertains a belief in the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law.

It is, therefore, recommended that the department issue its warrant for his deportation on these grounds, such deportation to be to Austria at Government expense. It is further recommended that alien be transferred to Ellis Island, New York Harbor, there to be detained until such time as his deportation can be accomplished.

COMMISSIONER GENERAL.

Approved. Cancel. Acting Secretary. March 13, 1920. L. F. P.

This memorandum has not been acted upon by the bureau and was not sent to the department with the knowledge of the bureau. It is delivered to the bureau signed as above after 5 p. m., March 15, 1920.

A. CAMINETTI,
Commissioner General.

CASE OF JOHN ENGLE.

Not that the review of the bureau's Law Division, the commissioner general, and the latter's recommendation would or did make any material difference with the decision of the Assistant Secretary, as the fact remains that he did not give the same much weight, is shown clearly in the long list of cases in which he canceled the war-

rants over the recommendations of the examining inspector, the commissioner, or inspector in charge of the district wherein the case originated, the review of the bureau's Law Division, and the recommendation of the commissioner general. Some of these cases will be attached to this report later in the form of a list. A few cases, however, worthy of particular attention, wherein the bureau memorandum sets forth a fair summary of the evidence adduced at the hearing, wherein recommendations for deportation were made by all of the officers coming in contact with the alien and the record up to and including the commissioner general and in which the Assistant Secretary simply canceled the warrant without comment, are herewith treated on. The bureau summary and recommendation showing the recommendations of the field officers and bearing the Assistant Secretary's order to "cancel" read as follows:

APRIL 6, 1920.

Memorandum for the Assistant Secretary.

In re John Engle; age, 30; single; literate; subject of Russia; entered the United States at the port of New York ex Steamship *Franz Oscar*, February, 1911.

Pursuant to department warrant of arrest issued January 2, 1920, based upon an affidavit submitted by a special agent of the Department of Justice, alleging membership in the Communist Party, the alien described in the caption hereof, represented by counsel, was accorded a hearing at Chicago, Ill., February 19, 1920, at which time there was introduced into the record transcript of a statement made by the alien before a special agent of the Department of Justice, January 7, 1920, which the alien identified and pronounced correct, which shows that he stated that he is a member of the Communist Party (Exhibit D). There is also introduced into the record the alien's original application for membership in the Communist Party, which was identified by the alien and marked "Exhibit E." There appears to have been introduced into the record and acknowledged by the alien, the latter's original membership card in the Communist Party, thirty-fifth ward branch, dated December 22, 1919, and marked "Exhibit F." (This exhibit can not be found in the record.) The alien admits paying \$1 at the time he joined the party, "50 cents for joining and 50 cents for dues."

Unsupported allegations of the alien made at the hearing herein, after his arrest, concerning membership, or nonmembership is, or affiliation, or nonaffiliation with the Communist Party, or his claim of lack of knowledge of or belief in its principles, or his alleged withdrawal from said party, constitute self-serving declarations which, unless supported and proven by competent evidence based on his acts, declarations, and circumstances occurring anterior to such warrant, can not be accepted as sufficient cause in law to warrant his release in the pending proceeding. Such allegations to the extent that they have been made by the alien herein have not been established by competent evidence.

The examining officer recommends deportation, and the inspector in charge at Chicago, Ill., concurs.

The evidence submitted and adduced establishes, and the bureau so finds, that the alien is in the United States in violation of law, to wit, the act of October 16, 1918, and is subject to deportation therefor, in that he is a member of or affiliated with an organization that advocates, teaches or entertains a belief in the overthrow by force or violence of the Government of the United States: and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law.

It is, therefore, recommended that the department issue its warrant for the deportation of the above-named alien, on these grounds; such deportation to be to Russia, at Government expense.

A. CAMINETTI,
Commissioner General.

. Cancel.

LOUIS F. POST,
Assistant Secretary.

CASE OF GABRIEL BUSHKOFF.

APRIL 6, 1920.

Memorandum for the Assistant Secretary.

In re Gabriel Bushkoff, native of Russia; aged 24; entered at Philadelphia in 1914; steamship unknown.

Warrant was issued January 12, 1920, alleging that the alien is in the United States in violation of the act of October 16, 1918, for the reasons cited in the warrant, copy of which is in the record.

Hearing was accorded at Ellis Island, N. Y., on March 22, 1920, the alien being represented by counsel. The alien declined to answer all material questions. The record shows that he declined to deny that the warrant charges are true. Exhibit C, in the record, is a statement made by the alien before an agent of the Department of Justice, three other Government officials being present, on January 6, 1920. In that statement he admitted that he is a member of the Communist Party, First Russian Branch; that he joined when the party was established; that he is familiar with the by-laws of the Communist Party; that he believes in the overthrow of any government by force or violence; that he believes in killing public officials, and that he believes in revolution; that he is not an anarchist. Exhibit D, in the record, is alien's membership card in the Socialist Party of America, bearing four emergency dues stamps and one special propaganda stamp of the National Council, Left Wing Section, Socialist Party. Exhibits 1 to 8 were incorporated in the record to establish the character of the Communist Party. The alien is at liberty under bond.

The examining officer and the acting commissioner at Ellis Island recommend deportation.

The evidence submitted and adduced established, and the bureau finds, that this alien is in the United States in violation of law (act of Oct. 16, 1918) and is subject to deportation therefor, this on the ground, and it is so found, that he is a member of or affiliated with an organization that advocates, teaches, or entertains a belief in the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law.

It is, therefore, recommended that the department issue its warrant for his deportation, on these grounds, such deportation to be to Russia at Government expense.

A. CAMINETTI,
Commissioner General.

Cancel.

LOUIS F. POSE,
Assistant Secretary.

CASE OF JULIUS MANINGER.

APRIL 6, 1920.

Memorandum for the Assistant Secretary.

In re Julius Maninger, aged 24; single; literate; subject of Austria; entered the United States at the port of New York ex steamship *Florida*, November 6, 1909.

Pursuant to department warrant of arrest issued January 6, 1920, under which the alien described in the caption hereof was accorded a hearing at Indianapolis, Ind., January 7, waiving the right of counsel, at which time he indorsed the principles and tactics of the Communist Party and stated that he is a member of that organization.

Unsupported allegations of the alien made at the hearing herein, after his arrest, concerning membership or nonmembership in, or affiliation or nonaffiliation with the Communist Party, or his claim of lack of knowledge of or belief in its principles, or his alleged withdrawal from said party, constitutes self-serving declarations which, unless supported and proven by competent evidence based on his acts, declarations, and circumstances occurring anterior to such warrant, can not be accepted as sufficient cause in law to warrant his release in the pending proceeding. Such allegations to the extent that they have been made by the alien herein have not been established by competent evidence.

The examining officer recommends deportation and the inspector in charge at Chicago concurs.

The evidence submitted and adduced establishes, and the bureau so finds, that the alien is in the United States in violation of law, to wit, the act of October 16, 1918, and is subject to deportation therefor, in that he is a member of or affiliated with an organization that advocates, teaches, or entertains a belief in the overthrow by force or violence of the Government of the United States, and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law.

It is therefore recommended that the department issue its warrant for the deportation of the above-mentioned alien on these grounds, such deportation to be to Austria at Government expense.

A. CAMINETTI,
Commissioner General.

Deport.

LOUIS F. POST, *Assistant Secretary.*

The CHAIRMAN. Is the case just presented—the case of Gabriel Bushkoff—a case in which the Secretary has used the Thomas Truss case as a precedent for the cancellation of the deportation warrant?

Mr. BLACKWOOD. There is absolutely no way of determining whether or not this cancellation and many others were based on the Truss decision, as no comments were made by the Assistant Secretary, the word "Cancel" being written in ink over his signature.

The CHAIRMAN. But is not this one of the so-called automatic cases?

Mr. BLACKWOOD. The term "automatic membership" is a blanket excuse.

The CHAIRMAN. But what becomes of the statement of Gabriel Bushkoff that he believed in the overthrow of any government by force or violence, that he believes in killing public officials, and that he believes in revolution?

Mr. BLACKWOOD. Well, this is one of many cases where we found an alien has gone at large and appears to be immune from the actual clauses of the deportation act.

The CHAIRMAN. Proceed with your reading, Mr. Blackwood.

Mr. BLACKWOOD. The next case is the same, and is included with those presented to show that the recommendations of the Commissioner General of Immigration, made by his law examiners after examination of the records, had no weight in the matter. The next is the case of L. Koshel, as follows:

CASE OF L. KOSHEL.

APRIL 6, 1920.

Memorandum for the Assistant Secretary.

In re L. Koshel, aged 32; single; literate; subject of Russia; entered the United States at the port of New York, steamship unknown, March, 1912.

Pursuant to department warrant of arrest issued December 29, 1919, based upon an affidavit submitted by special agent of the Department of Justice alleging membership in the Communist Party, the alien described in the caption hereof waived right of counsel and was accorded a hearing at Chicago, Ill., March 30, 1920, at which time Theodor Senenchuk, secretary of Russian Branch No. 6 of the Communist Party, Argo, Ill., appeared and testified that the alien joined the same branch of the Socialist Party January 18, 1919, and continued a member thereof and paid his dues after said branch affiliated with the Communist Party. The testimony of this witness confirms that of the alien given at a preliminary examination before a special agent of the Department of Justice January 5, 1920, transcript of which is made part of the record, Exhibit D. The alien testified that he was formerly a member of the Socialist Party, but has no knowledge of the Communist Party.

The examining officer recommends cancellation, and the inspector in charge at Chicago, Ill., concurs.

Unsupported allegations of the alien made at the hearing herein, after his arrest, concerning membership or nonmembership in, or affiliation or nonaffiliation with the Communist Party, or his claim of lack of knowledge of or belief in its principles, or his alleged withdrawal from said party, constitute self-serving declarations which, unless supported and proven by competent evidence based on his acts, declarations, and circumstances occurring anterior to such warrant, can not be accepted as suffi-

cient cause in law to warrant his release in the pending proceeding. Such allegations to the extent that they have been made by the alien herein have not been established by competent evidence.

The evidence submitted and adduced establishes, and the bureau so finds, that the alien is in the United States in violation of law, to wit, the act of October 16, 1918, and is subject to deportation therefor, in that he is a member of or affiliated with an organization that advocates, teaches, or entertains a belief in the overthrow by force or violence of the Government of the United States, and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law.

It is therefore recommended that the department issue its warrant for the deportation of the above-mentioned alien on these grounds, such deportation to be to Russia at Government expense.

A. CAMINETTI,
Commissioner General.

Deport. Cancel.
LOUIS F. POST,
Assistant Secretary.

CASES OF OSIP KUZNECK AND PETER MUZEK.

Of interest are the cases of Osip Kuzneck, bureau file No. 54861/61, and Peter Muzek, 54811/494, as disclosed in the files mentioned by number. These cases were reviewed by the bureau and recommendations made for deportation, and the summary, recommendations, and records of hearings were then sent to the Assistant Secretary for decision. The records were returned to the bureau with the memoranda of the Assistant Secretary that the warrants were canceled, but, strangely, the bureau summary and recommendations were missing from the record. The officers who had reviewed the records, however, had kept copies, and a summary, reading exactly as the original summary, was placed in each file with a notation regarding the loss of the originals.

The summary in these cases, together with the Assistant Secretary's order to "cancel," in the order in which they are mentioned in the foregoing, read as follows:

APRIL 12, 1920.

Memorandum for the Assistant Secretary.

In re Stephen Osip Kuznich, alias Stephen Osip Kuznech, aged 30; married (wife and two children residing at Norwich, Conn.); literate; subject of Russia; entered the United States at New York, steamship unknown, June, 1910.

Pursuant to department warrant of arrest issued January 23, 1920, based upon an affidavit submitted by a special agent of the Department of Justice, alleging membership in the Communist Party, the alien described in the caption hereof waived right of counsel and was accorded a hearing at Boston, Mass., January 26, 1920, at which time there was introduced into the record transcript of a preliminary examination given the alien by a special agent of the Department of Justice which purports to show that he stated that he was president of the Union of Russian Workers' Automobile School, 102 Franklin Street, Norwich, Conn., Exhibit I. At his examination the alien reiterated the former statement, but contends that said organization is not connected in any way with the Federation of the Union of Russian Workers of the United States and Canada. There was introduced into the record transcript of a statement made by John Malash, who was treasurer of the above-mentioned automobile school, which he states was run by the Union of Russian Workers and that in order to attend such school, it is necessary to be a member of that union.

The examining officer recommends deportation and the acting commissioner at Boston, Mass., concurs.

Unsupported allegations of the alien made at the hearing herein after his arrest, concerning membership, or nonmembership in, or affiliation, or nonaffiliation with the Communist Party, or his claim of lack of knowledge of or belief in its principles, or his alleged withdrawal from said party, constitute self-serving declarations which, unless supported and proven by competent evidence based on his acts, declarations

and circumstances occurring anterior to such warrant, can not be accepted as sufficient cause in law to warrant his release in the pending proceeding. Such allegations to the extent that they have been made by the alien herein have not been established by competent evidence.

The evidence submitted and adduced establishes, and the bureau finds, that this alien is in the United States in violation of law (act of Oct. 16, 1918) and is subject to deportation therefor, this on the grounds, and it is so found, that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that teaches opposition to all organized government.

It is, therefore, recommended that the department issue its warrant for the deportation of the above-mentioned alien on these grounds; such deportation to be to Russia at Government expense.

COMMISSIONER GENERAL.

Deport.

ASSISTANT SECRETARY.

"Mr. Bixler and Mr. Taylor knowing these facts. This memorandum was copied from a copy of a memorandum held for Mr. Bixler when the original was registered and sent out. R. E. M."

APRIL 13, 1920.

Stephen Osip Kuznech, 54861/61.
(Union of Russian Workers.)
The warrant is canceled.

LOUIS F. POST,
Assistant Secretary.

APRIL 12, 1920.

Memorandum for the Assistant Secretary.

In re Peter Muzek; Russian; aged 32; married; entered at New York in June, 1914, steamship unknown.

Warrant was issued on December 29, 1919, alleging that the alien is in the United States in violation of the act of October 16, 1918, for the reasons cited in the warrant, copy of which is in the record. A hearing was accorded at Hartford, Conn., on January 7, 1920, the right of counsel being waived. The record shows that the alien is literate and never applied for citizenship; that he is married, his family being in Russia.

Testimony of alien shows that he joined the Union of Russian Workers in the month of July or August, 1919, at Bridgeport, Conn.; that he doesn't know whether his membership card is in his trunk or in the house; that he paid dues once or twice and went to dances once or twice. Exhibit B in the record is a statement made by the alien before an agent of the Department of Justice on December 26, 1919. In that statement the alien admitted membership in the Union of Russian Workers and explained in detail his affiliation with the organization which finally led to his joining same. The record contains numerous exhibits showing the literature bought and read by the alien. His membership in the Union of Russian Workers is established and shows that he was more or less active. He is at liberty on bond.

The examining officer and the acting commissioner at Boston recommend deportation.

The evidence submitted and adduced establishes, and the bureau finds, that this alien is in the United States in violation of law (act of Oct. 16, 1918) and is subject to deportation therefor, this on the ground, and it is so found, that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that teaches opposition to all organized government.

It is, therefore, recommended that the department issue its warrant for his deportation, on these grounds, such deportation to be to Russia at Government expense.

COMMISSIONER GENERAL.

Deport.

(Mr. Bixler and Mr. Taylor know these facts. "This memorandum was copied from a copy of a memorandum held by Mr. Bixler when the original was registered and sent out. —R. E. M.")

APRIL 13, 1920.

Peter Muzek, 54811/494.
 (Union of Russian Workers.)
 The warrant is canceled.

LOUIS F. POST,
Assistant Secretary.

CASE OF GUS KULMAN.

Of interest also is the case of Gus Kulman, bureau file No. 54859/607, and much light is thrown on the case of Thomas Truss mentioned early in this report. In this case, as in the Truss case, the Assistant Secretary's confidential man, carried as a conciliator and placed in the bureau, on orders, as a "law examiner" and "reviewing officer," made a summary for the Assistant Secretary. This summary did not go through the commissioner general, and although it had a place for his signature, was not approved by him, nor did the summary and recommendation set forth his ideas in any manner whatsoever. As a matter of fact the attorney appearing in behalf of the arrested alien appeared before the bureau and requested the case be held in abeyance for a period of two weeks in order that said attorney could make further representations in behalf of the alien. This, and the commissioner general's true opinion regarding the case are set forth in two memoranda which he made to the Assistant Secretary dated March 25 and 26.

It will be noted that the Assistant Secretary's "confidential" man has taken up his superior's pet phrase, placing the alien as an "automatic member" of the Communist Party.

The summary referred to as well as the two memoranda of the commissioner general read as follows:

MARCH 24, 1920.

Memorandum for the Assistant Secretary.

In re Gus Kulman, aged 25; German; single; literate; landed at Baltimore August 28, 1913, Steamship *Rhein*; released on bond.

Warrant issued January 8, 1912, alleging that the alien is in the United States in violation of the act of October 16, 1918. A hearing was accorded the alien at Detroit on January 30, 1920, he being represented by counsel.

The testimony shows that in 1917 the alien took out his first papers; that he joined the Liebknecht Branch of the Socialist Party in 1918, and that he was still a member; that his branch was not known as a branch of the Communist Party. He was asked this question:

"Q. Is it not a fact that you automatically became a member of the Communist Party when your branch went over to the Communist Party? Did not every member of your branch who did not withdraw and who continued to pay their dues, automatically become a member of the Communist Party?—A. I would like to explain that.

"Q. What explanation do you want?—A. When Liebknecht Branch—few fellows went to work and made a motion—few fellows went to work and made a motion whole Liebknecht Branch should join the Communist Party, and the rest of the members were not present at that meeting. I was not present myself. We went to work then and called a regular membership meeting and voted against the Communist Party, against the platform and manifesto, and drew up that resolution; that we got expelled from the Communist Party."

Thomas C. Wilcox, special agent of the Department of Justice, testified that "all branches of the Socialist Party in the State of Michigan, with the exception of the Roumania Socialist Federation and Polish Alliance, who are still in existence, are members of the Communist Party of America." Counsel for the alien then read from the Communist magazine, by which it appeared that the central executive committee of the party met in Chicago on November 15-18, 1919, and that a resolution adopted and sent out by the chairman, Liebknecht Branch of Detroit, specifically

repudiated the party program and manifesto was brought before the committee. "Since, in complying with the charter, the branch has indorsed the program and constitution of the party, which is now repudiated, the committee considers that the charter had been obtained under false pretenses, and voted to expel the branch from the party." Wilcox sought to explain this by calling attention to the date of the paper, December 13. It referred, however, to the minutes of November 15-18. Wilcox was then withdrawn. So that while automatism is of no avail in establishing membership or affiliation under this statute, yet the very automatic action relied on in the record appeared to be imaginary. The record of the examination of the alien before the agent of the Department of Justice was offered in evidence. As that examination was held on the 5th of January, and the telegraphic and regular warrants did not issue until the 8th and 9th, respectively, examination is of no probative force.

The examining inspector and the inspector in charge recommend deportation.

The bureau recommends that the warrant be canceled.

_____,
Commissioner General.

(Not signed by commissioner general.)

Cancel.

LOUIS F. POST, *Assistant Secretary.*

MARCH 25, 1920.

NOTE.—The attorneys in this case and others had a hearing before the bureau and requested that all their cases be held in abeyance two weeks as they desired to make further representations.

MARCH 26, 1920.

Memorandum for the Assistant Secretary.

As stated in my note attached to this file when you requested that I send the same to you, the attorneys in the case, as well as more than 20 others, known as the Liebnicht cases from Detroit, had a hearing that took about three hours of the time of the bureau and of the law officer. At the conclusion thereof they requested two weeks time to make further representations in all of the cases. The bureau called their attention to the fact that as far as it remembered there were three that were in custody and that while there was no objection to extending the time as to those on bond, those in custody were in a different situation; but notwithstanding this observation they adhered to the request for an extension of two weeks time, as above stated. As the bureau was advised at the time of the hearing and since its conclusion it has seen nothing to change its view, is inclined to recommend deportation in this case as well as others like it unless facts are presented by either side which will require a change of its view.

The bureau makes this statement in view of the fact that you have ordered cancellation in the case.

A. CAMINETTI,
Commissioner General.

CASE OF VASILY ARTIMOWSKY.

In spite of the fact that he was releasing on parole and canceling warrants in a large number of cases of aliens arrested as anarchists every day, after the aliens had been accorded hearings and record of same received by the bureau or department, the Assistant Secretary must have reached the conclusion that the aliens were not being released fast enough, as he proceeded to order the release of and the cancellation of the warrants in the cases of some 38 cases in which records of hearings had never reached the bureau or department and in most of which no hearing whatsoever had at that time been accorded the alien. This order for the canceling of the warrants was sent by wire in code, but the inspector in the field must have misunderstood the code, as in many of the cases he gave the aliens hearings some days later and made up the record and transmitted same to the bureau for decision. In some of these cases there was apparently little evidence on which to base an order of deportation,

while others contained sufficient, as is shown in the case of Vasily Artimowsky, bureau file 54860/973. This case managed to get before the Assistant Secretary approximately two weeks after the warrant had been canceled by his order and he had wired cancellation to the field officer; but he must have overlooked his former action, as, after examining the record, he issued an order for the alien's deportation. Just how this could be legally done after the cancellation of the warrant of arrest without issuing a new warrant of arrest and granting a new hearing is not understood, but is probably accounted for by a lapse of memory on the part of the Assistant Secretary.

CANCELLATION OF 38 CASES BY TELEGRAPH.

What is not so clear, however, is how the Assistant Secretary, or any other person having the interests of the United States Government at heart, could issue an order by wire canceling the warrants in the cases of 38 aliens arrested as anarchists without awaiting the record of hearing in order to determine the nature of the evidence adduced to support the original charge. A list of the cases in question, identified by the file numbers of the Bureau of Immigration, follow:

Cases in which the Assistant Secretary ordered warrants canceled by wire before record of hearings had been received and, in some instances, before hearings had been given: 54809/316, 54809/321, 54809/348, 54809/359, 54809/361, 54809/621, 54809/795, 54809/802, 54809/776, 54809/784, 54859/353, 54859/87, 54859/101, 54859/351, 54859/870, 54859/839, 54859/861, 54859/876, 54859/375, 54859/837, 54859/836, 54859/112, 54859/108, 54859/33, 54860/71, 54860/949, 54860/844, 54860/868, 54860/864, 54860/849, 54860/979, 54860/870, 54860/886, 54860/615, 54810/121, 54811/784, 54811/791, and 54860/973 (this case was the subject of a separate comment above).

COMMUNIST CASES AT HARTFORD, CONN.

In order to give a clearer insight to the handling of communist cases attention is directed to memoranda and letters appearing in the bureau files with reference to communist cases at Hartford, Conn., same reading as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, March 22, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: In re Hartford, Conn., cases of membership in Communist Party.

Conditions with reference to warrant proceedings at Hartford, Conn., for which, however, the immigrant inspector there is not blamable under the circumstances thus far, are such as to require immediate action in support of a fair and orderly administration of the immigration law according to American principles with reference to personal liberty. It is therefore directed that immediate effect be given to the following instructions:

1. That the inspector at Hartford be instructed (1) to require bail in no other amount than that named in the warrant, except in cases in which he has specific instructions from the department; (2) to permit no prisoners in his custody to be held incommunicado without special instructions from this department; (3) promptly to advise counsel and friends of every alien in his custody (when they appear in such alien's behalf) of the amount of bail required; (4) to give to counsel for aliens in his custody access to their clients for purposes of consultation and to advise aliens before any examination in their cases, respectively, of their right to counsel, doing so through interpreters when necessary and in such manner as to enable the aliens to understand their rights under American law and that they are entitled to the enjoyment of those rights; (5) immediately to report to the department cases in which aliens

have been in custody more than 30 days unable to give the bail required, and to make in connection with this report such statements as to the dangerous or the pacific character of the aliens named as he may have knowledge of or information about; (6) to forward information to the department of the facts whenever aliens arrested under departmental warrant are unable to give bail but are of good reputation and in whose behalf responsible attorneys or other responsible citizens of the United States resident in Hartford or vicinity will promise to produce them as required, and that these be paroled to such attorneys or other responsible citizens, provided nothing more appears against them than that they have been members of the Communist Party.

2. You are hereby further directed to instruct the proper officials of the Bureau of Immigration, or the Immigration Service, forthwith to transmit to the aliens or their friends entitled thereto the necessary receipts for Liberty bonds deposited in lieu of bail, to the end that persons depositing such bonds for that purpose shall be promptly assured of the return of their property in due course, if the same shall not have been lawfully forfeited. The special reason for this instruction is the fact that the department has been reliably informed that at Hartford practically all the triplicate receipts to which depositors are entitled are held back for long periods, notwithstanding that they are the only evidence on which returns of deposited bonds can be demanded. This delay is exciting apprehension, which subjects the department to unwarranted accusations.

LOUIS F. POST, *Assistant Secretary*

MARCH 23, 1920.

COMMISSIONER OF IMMIGRATION,
Boston, Mass.

By direction of the Assistant Secretary, you are hereby instructed, in proceedings commenced under the anarchy provisions of the immigration law against aliens belonging to the Communist Party (special reference being had to the Hartford, Conn.) cases:

(a) To require bail in no other amount than that named in the warrant, except in cases in which you have specific instructions from the department.

(b) To permit no aliens in detention under your custody to be held incommunicado without special instructions from the department.

(c) Promptly to advise counsel and friends of every alien held in your custody (when they appear in such alien's behalf) of the amount of bail required.

(d) To give to counsel for aliens in your custody access to their clients for purposes of consultation and to advise aliens before any examination in their cases, respectively, of their rights to counsel, doing so through interpreters when necessary and in such manner as to enable the aliens to understand their rights under American law and that they are entitled to the enjoyment of those rights.

(e) Immediately to report to the department cases in which aliens have been in custody more than 30 days unable to give bail required, and to submit in connection with such report such statements as to the dangerous or specific character of the aliens named as you may have knowledge of or information about.

(f) To forward information to the department of the facts whenever aliens arrested under departmental warrant are unable to give bail, but are of good reputation and in whose behalf responsible attorneys or other responsible citizens of the United States resident in Hartford or vicinity will promise to produce them as required.

Please acknowledge receipt of this letter. An official copy thereof has been sent to Inspector Clark at Hartford.

COMMISSIONER GENERAL.

Official copy referred to Inspector Clark, Hartford, Conn., for his information and guidance. Please acknowledge.

COMMISSIONER GENERAL

MARCH 23, 1920.

Memorandum for Mr. Wagner.

By instruction of the Assistant Secretary, you are directed to forthwith transmit to aliens or their friends entitled thereto the necessary receipts for Liberty bonds deposited in lieu of bail, to the end that persons depositing such bonds for that purpose shall be promptly assured of the return of their property in due course, if the same shall not have been lawfully forfeited. The reason for this instruction is the fact that the department has been reliably informed that at Hartford and elsewhere

delays in returning receipts due to depositors of bonds in lieu of bail have unnecessarily taken place.

Please prepare a letter to the Immigration Service providing that due care shall be exercised in immediately delivering receipts of this character.

COMMISSIONER GENERAL.

MARCH 23, 1920.

Memorandum for the Assistant Secretary.

According to your instructions of March 22, in re Hartford cases of membership in the Communist Party, directions have been sent to the Boston district under which the Hartford section is operating. As soon as replies are received they will be brought to your attention.

Regarding that part of subdivision (6) of section 1, reading as follows: "And that there be paroled to such attorneys or other responsible citizens, provided nothing more appears against them than that they have been members of the Communist Party," this was not included in the instructions forwarded, as the bureau believed that was to be enforced after the information called for by the instructions has been received by the bureau and department. If the bureau is wrong in this particular, it will be pleased to have further instructions.

Instructions have been given to Mr. Wagner, in charge of bonds and receipts, in accordance with the directions set forth in your memorandum.

COMMISSIONER GENERAL.

MARCH 27, 1920.

Memorandum for the Assistant Secretary.

The letter immediately hereunder, from Inspector Clark, who is handling the Communist Party and Communist Labor Party cases at Hartford, Conn., was written in response to the bureau's letter of the 23d instant, addressed to the commissioner of immigration at Boston (copy attached filed). Apparently, Inspector Clark is complying with the instructions contained therein to the best of his ability, although you will note, from the last paragraph of his letter, that he is not in a position to supply the information called for in paragraph (F) of the bureau's letter.

A. CAMINETTI,
Commissioner General.

Paragraph F does not require investigation by the inspector; but it does require report in cases which are brought to his attention by counsel, friends, or others.

L. F. P.

MARCH 30, 1920.

Law Division. For appropriate action. March 30, 1920. C.

UNITED STATES DEPARTMENT OF LABOR,
IMMIGRATION SERVICE,
OFFICE OF THE COMMISSIONER,
Hartford, Conn., March 26, 1920.

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

Receipt is hereby acknowledged of "Instruction sheet 54809, General," dated March 23, 1920, signed by the commissioner general, and will say that the different paragraphs will have my prompt attention.

The report called for in paragraph (E) I think has been fully covered by the data I furnished Department Representative Mr. Steward, on his recent visit to Hartford; if not, please advise.

The information called for in paragraph (F), about character and reputation of aliens now under arrest who are unable to give bail, is too much for me. I know nothing of their character, as I made no investigation in these cases other than that required by the hearings under warrants.

Respectfully,

W. M. CLARK,
Immigrant Inspector.

To Law Division, March 27, 1920. C.

CASE OF JOHN JOHNSON.

How different from his action in releasing aliens arrested as anarchists without awaiting the record of the evidence is the Assistant Secretary's action in the case of John Johnson, bureau file No. 54616/246.

In this case the alien was ordered deported by the Acting Secretary. The alien then applied for a writ of habeas corpus in the Federal court at New York City, the matter first coming before Judge Knox, who handed down a written decision. It later came up before Judge Hand, whom it seems intimated to the local immigration authorities that his decision would be unfavorable to the Government. In order not to establish a precedent, the whole matter was placed before the Assistant Secretary in memoranda and the file of the case, with the recommendation that the Assistant Secretary cancel the warrant of deportation. This, however, he refused to do by means of a notation at the bottom of the bureau's memorandum, saying, "Let the court decide." Bear in mind that he already knew what the court would decide. The court did decide and released the alien.

The memoranda, recommendations, letters, and decision of Judge Knox relating to this case read as follows:

SEPTEMBER 6, 1919.

Memorandum for the Acting Secretary.

In re John Johnson, aged 36; native of Ireland, subject of England; last entered from Canada at Buffalo, N. Y., on December 18, 1918.

The above named alien was arrested at Pittsburgh, Pa., on the ground that he was a person likely to become a public charge at the time of his entry into the United States. At the hearing he was placed on formal notice of the additional charges that he has been found advocating the unlawful destruction of property; and that he has been found teaching the unlawful destruction of property.

This man says that he first came to the United States in 1907, landing at Philadelphia, ex-*Steamship Friesland*; that for many years thereafter he roamed about over the country working at many different occupations; that he joined the I. W. W. at Bakersfield, Calif., about seven or eight years ago; that while there he distributed a great deal of I. W. W. literature, among which was the I. W. W. songbook, which teaches and advocates sabotage; that in 1914 he went to Vancouver, British Columbia, and engaged in different occupations; that he remained in Canada until December 18, 1918, when he crossed the border at Buffalo, N. Y. (alien was admitted after a hearing by board of special inquiry); that he finally drifted to Pittsburgh where he secured employment with a railroad; that he was arrested at the latter city while in the office of the Mutual Benefit Association, which office is a distributing center for I. W. W. literature; and that at the time of arrest he was corresponding secretary for this organization and assisted in distributing quantities of I. W. W. literature. He denies being an anarchist or disbelieving in organized government or the assassination of public officials. Despite his denial, however, as to being an anarchist, he admits having attended anarchist meetings in Los Angeles, and that in San Diego, Calif., he was once arrested when attempting to test an anarchist free speech ordinance. He has only about \$10 or \$12 at the present time and states that whenever he saves a sum of money, he usually lays off and enjoys it.

The local police department at Pittsburgh has had the Mutual Benefit Association, of which the alien was secretary, under surveillance for some time. On June 2 of this year, there was an attempt to blow up two residences in that city and in connection with the investigation the office of the foregoing association was raided and large quantities of I. W. W. literature discovered. The alien Johnson was found in the office and placed in the county jail as a suspicious person. Efforts to connect him with the bombing, however, have proved futile. Johnson, by his note in distributing the I. W. W. songbook, which teaches sabotage, is guilty of advocating and teaching the unlawful destruction of property.

The bureau recommends the alien's deportation to Ireland at Government expense on the ground contained in the warrant of arrest, and the additional grounds that he

has been found advocating and teaching the unlawful destruction of property. Until then he may continue on bond of \$500 which he has already furnished.

While under the reciprocal agreement this alien might be deported to Canada, it is very doubtful if the Canadian authorities would permit of his return, for the reason that they would most likely be unable to verify his residence there, he being unable to give evidence as to names and addresses of persons for whom he has worked and with whom he is acquainted, which would be susceptible of proof.

A. CAMINETTI,
Commissioner General.

Approved.

JOHN W. ABERCROMBIE, *Acting Secretary.*

United States District Court, Southern District of New York. United States of America ex rel John Johnson v. Byron H. Uhl, Acting Commissioner of Immigration at the Port of New York, respondent. M 5-214. Upon writ of habeas corpus.

Charles Recht, for the relator.

Joseph F. Mulqueen, assistant United States attorney for the respondent.

KNOX, D. J.: John Johnson, the relator, is held at Ellis Island under a warrant of deportation issued by the Acting Secretary of Labor upon November 17, 1919. It is charged in the warrant that upon the 18th of December, 1918, Johnson was found in the United States in violation of the immigration act of February 5, 1917; to wit, "That he has been found advocating and teaching, subsequent to entry, the unlawful destruction of property; and that he was a person likely to become a public charge at the time of his entry into the United States." * * *

The hearing which resulted in the present warrant of deportation was held upon or about June 23, 1919.

This hearing developed that Johnson is an Irishman, 37 years of age, and that he came to the United States in 1907. He is a steamfitter by trade, and this trade he has followed off and on throughout the intervening years, at times working as a laborer and again as a fisherman. Since coming to America he has wandered over the United States and Canada, but so far as appears, he has always been able to make a living and has never been supported by the public authorities up until the time of his present arrest. I think it can be said that there is not a scintilla of evidence in the record before me from which it may fairly be inferred that Johnson has ever been, or is likely to become a public charge.

In the year 1911 the relator went to Bakersfield, Calif., and remained in or about there until 1914, when he went to Canada, and did not again return to the United States until December 18, 1918.

While at Bakersfield Johnson became a member of the organization known as the Industrial Workers of the World. He denies that he believes in the overthrow of the Government by force or violence, or in the assassination of public officials; he likewise denies that he is an anarchist.

During the course of his examination Johnson admitted that during his stay at Bakersfield he sold papers (presumably I. W. W. literature), and in answer to a question as to whether he sold I. W. W. song books said, " * * * I reckon I sold song books too."

The following examination then took place:

"Q. Do you know how many song books you have sold?—A. No.

"Q. Would you say you sold 100?—A. I might have sold 6 and I might have sold 2. They are not very good sellers.

"Q. Have you ever sold these books in any other city?—A. No. I never sold song books in any other city, not that I know of. I may have."

The contents of the song books sold by the relator and the nature of the literature distributed by him does not appear, and, so far as the record goes, it is impossible to say if what Johnson sold and distributed advocated and taught the unlawful destruction of property.

He has made speeches "in connection with the I. W. W. propaganda" and admits having attended anarchists' meetings in Los Angeles, and says "I dabbled into anarchy enough to understand what is going on, and then I dropped it."

Upon one occasion a number of years ago he was arrested while testing "an anarchist free speech ordinance," he being one of "the attempted speakers."

Some time after his reentrance into the United States the relator drifted to Pittsburgh and gravitated to the office of a so-called Mutual Benefit Association which was a distributing center for I. W. W. literature. He was put in charge of the office and

was known as the corresponding secretary. Here he sold and distributed I. W. W. literature, but denies that he sold the song books.

Upon this state of facts is Johnson entitled to his discharge upon habeas corpus?

As was said, I have no record of the contents of the I. W. W. song books or literature sold and distributed by the relator.

There is attached to the petition for the writ a song book entitled "I. W. W. Songs, to fan the flames of discontent."

Below this appears the picture of a man behind prison bars. On one side of this picture appears "We are in here for you." Upon the opposite side there appear the words "You are out there for us." Below the picture is the word "Remember": and "General defense edition. Published by I. W. W. Publishing Bureau, 1001 W. Madison Street, Chicago, Ill., U. S. A."

From the fly leaf of the book it would seem that this book is of an edition put forth in April, 1918, and the petition states that this book is a copy of the song book referred to.

Upon the return to the writ the United States attorney submits the I. W. W. song book, apparently published at Cleveland, Ohio, in December, 1914, and the suggestion is made (though such suggestion is not, save as to the date of distribution supported by the record) that this song book was the one distributed by the relator.

If the latter book was the one distributed, and if the relator knew its contents at the time of its distribution, I should have no hesitancy in dismissing the writ. I say this because this book advocates sabotage.

I quote:

"Make it too expensive for the boss to take the lives and liberty of the workers. Stop the endless court trials by using the wooden shoe on the job."

Again:

If Freedom's road seems rough and hard,
And strewn with rocks and thorns,
Then put your wooden shoes on, purd,
And you won't hurt your corns.
To organize and teach, no doubt,
Is very good—that's true,
But still we can't succeed without
The good old wooden shoe.

Within the song The Workers Battle Cry for Freedom, I find lines as follows:

Down with tradition! Let's raise the wooden claw.
Down with the gun man! Let's raise the wooden paw.

The song, That Sabo-Tabby Kitten, is a constant appeal to sabotage, and without attempting to define that term I think that it unquestionably includes the willful destruction of, or damage to, property by the workers who is in charge thereof.

This is contrary to our law even when done to redress or remedy industrial or political wrongs, and the alien who teaches that doctrine forfeits, in my opinion, his right to stay in this country.

The difficulty in this case is that I have no means of knowing what song book the relator distributed. The song book attached to the petition for the writ is not so apparently on appeal for property destruction as is the book of 1914, and it is barely possible, though I am not sure, that this book could not be used as a basis of ordering deportation. It contains a song entitled "Casey Jones," parts of which are as follows:

The Workers said to Casey: "Won't you help us win this strike."
But Casey said: "Let me alone, you'd better take a hike."
Then some one put a bunch of railroad ties across the track,
And Casey hit the river with an awful crack.

The concluding stanza of this song reads:

Casey Jones went to hell a-flying.
"Casey Jones," the Devils said, "Oh, fine;
"Casey Jones, get busy shoveling sulphur;
That's what you get for scabbing on the S. P. line."

The natural inference, it seems to me, to be taken from this creed is that in the event of a strike it is perfectly justifiable and commendable to use any means that may be necessary to put an end to what is known as "scabbing." It is needless to say that such methods mean not only the destruction of property but of human life.

We all know the effect upon the emotions of song—the singing of such a song by a large group of men who were on strike, who felt they had a real grievance, might conceivably bode ill indeed for property and for the lives of persons who continued to work and who for that reason would among the strikers be known as "scabs."

However, I think that the relator is entitled to a rehearing in which it may appear what was the nature of the publication distributed by him—the record should not leave this consideration to conjecture and surmise. In this sense I think the previous hearing was unfair.

I will, therefore, accord the alien a hearing before the court, at which time he may show, if he can, that the books distributed by him were innocuous so far as teaching the destruction of property is concerned; and the Government on the other hand, may show, if it can, what I. W. W. song books were published and distributed in the period of time that the relator was at Bakersfield.

The question raised by the relator that he is not amenable to the provisions of the immigration act of 1918, owing to the fact that advocating the unlawful destruction of property was not prior to the passage of that act a ground of deportation, will be reserved until the further hearing hereby provided for.

The attorney for the relator and the United States attorney may consult me with respect to fixing a time for the hearing.

JNO. C. KNOX,
United States District Judge.

FEBRUARY 6, 1920.

MARCH 30, 1920.

MY DEAR MR. DE SILVER: Receipt of your letter of March 27, with reference to the case of John Johnson (bureau file 54616/246), is hereby acknowledged.

I note your question, whether a surety company is subject to official criticism for writing bail bonds for aliens in the custody of this department under deportation proceedings in what you describe as "the so-called campaign against the Reds." I also note your reference to "the bitter criticism to which any one is likely to be subjected who in such cases assists the alien to procure such rights or privileges as he may be entitled to under the law," and your comment that it should be "obvious that if the department fixes bail for any particular alien, that action in itself is a statement that the department has no objection to bail being furnished."

In response to your question, permit me officially in behalf of the Department of Labor to assure you and your clients that whenever this department fixes bail for an alien in deportation proceedings, whether in the course of the proceedings or pending deportation as the result thereof, and irrespective of the cause or causes of deportation either under the general act of February 17, 1917, or the supplementary act of October 16, 1918—there is no official objection to the furnishing of bail bonds. On the contrary, the preference of this department (and its jurisdiction is exclusive, as you must know) between bail and prolonged detention is for bail, provided only that it be sufficient in amount and in the responsibility of the sureties to satisfy the act of Congress and to secure obedience by the alien to the requirements of his bail bond.

There is no purpose, let me add, or desire on the part of the Department of Labor to imprison aliens in expulsion proceedings unnecessarily. The fixing of bail in any such case is not a pretext for imprisoning resident aliens regardless of their rights under our Constitution; it is solely for the purpose of assuring the department that the alien admitted to bail will comply with the requirements of his bail bond, in order that the law may be duly administered in accordance with American principles of personal liberty. You will see, therefore, that your views on the subject, as expressed in your letter, are substantially identical with the policy and practice of this department.

Trusting that you may find the above statements to be a sufficiently full and satisfactory response to your inquiry, I am,

Very truly, yours,

LOUIS F. POST,
Assistant Secretary.

ALBERT DE SILVER, Esq.,
68 William Street, New York, N. Y.

APRIL 1, 1920.

Memorandum for the Commissioner General.
In re John Johnson.

Please see memorandum hereunder of Examiner McClelland, covering a conversation had at noon over the telephone with the Ellis Island office. I learned while in New York that the United States attorney's office was very much adverse to making any further contest of this case before the district court, where it is now pending. The principal point in the case is found in the fact that in 1914 the alien sold certain I. W. W. literature at Bakersfield, Calif., this literature being of the usual sabotage-teaching variety. There is no evidence that he has sold or otherwise distributed

literature of this class since that time. As teaching or advocating the unlawful destruction of property was not a deportable offense under the act of 1907 (in force at the time), the ground on which the deportation of the alien is sought by the department necessarily fails. I have talked this point over with Mr. Parker, and with the Ellis Island officials. The latter, in turn, have discussed it with the United States attorney's office. The opinion of all of these persons is to the above effect, viz, that since the teaching or advocacy of the unlawful destruction of property was not a deportable offense at the time alien sold this literature, the act of October 16, 1918, will not reach him.

I am of the opinion that a memorandum should be prepared for the approval of the Assistant Secretary recommending cancellation of the proceedings against this alien.

W. J. P.

P. S.—Judge Hand has given the department until Saturday to cancel the proceedings.

APRIL 2, 1920.

Supplemental memorandum for the Assistant Secretary.

In re John Johnson.

This alien was ordered to be deported to Ireland on the department's warrant of December 17, 1919, on the grounds (1) that he has been found advocating and teaching, subsequent to entry, the unlawful destruction of property; and (2) that he was a person likely to become a public charge at the time of his entry into the United States. The facts are set forth in the bureau's memorandum indicated at marker in the attached file. Alien was transferred from the jurisdiction wherein arrested to Ellis Island, in course of deportation, on December 30 last. He has not been deported, however, for the reason that a writ of habeas corpus was obtained for him, and his case is now pending before the District Court for the Southern District of New York. It is understood that a decision will be rendered some time to-morrow forenoon, in the event the department does not reverse its ruling and order the outstanding warrant canceled (the court having deferred decision with a view to affording the department an opportunity to further consider the case). Judge Hand has already indicated what his decision will be—that he will sustain the writ.

The alien's offense, you will note from the memorandum, consisted principally in selling sabotage teaching I. W. W. literature in southern California in the year 1914. Particularly, he is alleged to have sold a certain I. W. W. song book, known to strongly advocate the unlawful destruction of property. However, actual proof that he sold this song book is lacking, and even if he did, his act occurred in 1914, when the act of February 20, 1907, was in force. It was not a deportable offense under that act to advocate or teach the unlawful destruction of property and conceding that alien did sell sabotage teaching literature in 1914, he can not be reached for this act under either the act of 1917 or the act of 1918. There is some evidence that he also distributed sabotage teaching literature at Pittsburgh a short time before his arrest, but the evidence as to this is not sufficiently strong to support the deportation warrant. Also the charge that alien is a person likely to become a public charge is more or less of a technical one and is hardly supported by the evidence.

Cancellation of the outstanding warrant is recommended in view of the circumstances.

A. CAMINETTI,
Commissioner General.

Cancel. Let the court decide.

LOUIS F. POST,
Assistant Secretary.

Rush wire to Ellis Island. C.

APRIL 2, 1920.

IMMIGRATION SERVICE,
Ellis Island, N. Y.

Assistant Secretary has given further consideration case John Johnson, and is disinclined to cancel deportation warrant.

HAMPTON.

Attest:

ASSISTANT COMMISSIONER GENERAL.

CASE OF PAULO BARTINCHUK.

Another interesting decision of the Assistant Secretary is found in the case of Paulo Bartinchuk, bureau file No. 54709/569, the bureau memoranda, summary, and recommendation, together with the decision of the Assistant Secretary, canceling the warrant read as follows:

APRIL 3, 1920.

Memorandum for the Assistant Secretary.

In re Paulo Bartinchuk, alias Paul Burton, alias Paul Bartniczuk, aged 33; Russian; arrived New York on or about June 6, 1909, ex. steamship *Martha Washington*.

This case arose by reason of a report received from the Department of Justice at Detroit, to the effect that the alien was a Bolshevik and had been teaching and advocating the overthrow of the Government of the United States. As a result, a department warrant issued April 12, 1919, to the effect that the alien was in the United States in violation of the act approved October 16, 1918, in that he advocates the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that entertains a belief in the overthrow by force or violence of the Government of the United States. In addition to the charges outlined in the warrant, the inspector has formally placed the alien on notice of the additional charges that the alien is an anarchist; that he believes in the overthrow by force or violence of all forms of law; that he advocates the assassination of all public officials; and that he advocates the overthrow by force or violence of all forms of law.

The alien was accorded a hearing at Detroit on May 20, 1919, and the testimony shows that his real name is Bartniczuk. He is a laborer by occupation, is married, and resides with his wife and two children in Detroit. Prior to his entry into the United States, he took part in demonstrations against the Czar's Government; he was classed by that government as a revolutionist; he was continuously opposed to the Russian Government; and he left Russia for the purpose of escaping arrest and was smuggled into Austria by friends. The alien is apparently of some education, being a teacher in Russia and a graduate of the teachers' institute in Derman, Russia. After living in various parts of the United States, particularly New York State and Illinois, the alien went to Detroit in 1914 and was employed for about three years in the Ford plant. He is at present a member of the Ukrainian Federation of the Socialist Party and was a member of the Union of Russian Workers for about six months in 1914. It further appears that the Ukrainian Federation has sent delegates to the "House of the Masses". The alien has testified that he believes in the doctrines and principles of the Soviet Government of Russia as conducted under the régime of Lenin and Trotski. He conducts a school of socialism in Detroit, and admits that radical socialists congregate there. The alien admits that the Government of the United States should be overthrown and a Soviet Government substituted in its stead and that he advocates this change should be brought about by force when referring to all governments. There have been introduced in the record exhibits which consist of a considerable amount of bolshevik and revolutionary literature.

The alien admits that he spoke at the convention of the Polish section of the Socialist Party held at Detroit on March 30, 1919; that he was the chief delegate of the Ukrainian Federation of Socialists branch in Detroit. He denies, however, that he advocated the overthrow of the Government of the United States; that, if he made any remark about the Government it referred to all governments; that he did advocate proletarian dictatorship and revolution; that he did say that we should follow Russia in anarchy. The alien further admits that he believes in the overthrow of the Government, and in answer to the question whether he believes in the overthrow by force or violence of all forms of law, he answered "Yes; of all the bourgeois." A rehearing was granted June 13, 1918, at which the alien's counsel appeared and, on further examination, the alien denied the correctness of his former statements in regard to the substitution of a soviet form of government in place of the Government of the United States. He also takes exception to his affirmative answer to the effect that he believed that the Government of the United States should be overthrown.

The examining inspector recommends deportation, which recommendation is concurred in by the acting commissioner at Montreal.

The bureau recommends that an order for the alien's deportation be issued on the grounds, and it is so found that he is an alien anarchist; that he believes in the overthrow by force or violence of the Government of the United States; that he believes in the overthrow by force or violence of all forms of law; and that he advocates the over-

throw by force or violence of all forms of law. The alien is now at large on bond in the sum of \$1,000, and deportation, if effected, should be to Russia at Government expense.

A. CAMINETTI,
Commissioner General.

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, April 6, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: In re Paulo Bartinczuk, No. 54709/569.

The alien was a Russian revolutionist against the Government of the Czar at the period of 1905-1908. Consequently, in so far as he is a "fugitive from justice," as the examiner at the hearing designated him, he is the kind of fugitive who comes within the exception with reference to political fugitives which is made in the second proviso of section 3 of the immigration act of 1917, and within the policy of the United States which has always proclaimed this land as an asylum for the oppressed of all nations. He has lived in the United States since taking refuge here in 1909, and has worked his way honestly as a laborer whenever there was work to be had, and steadily at the Ford factory for the past five years. He is not an anarchist in any other sense than the loose epithetical one of the ignorant or the thoughtless, who use that term as a verbal brickbat. On the contrary, he is a Socialist, the very opposite of anarchist, and a member of the Socialist Party. At one time he was a member of the organization which became the Union of Russian Workers (now a proscribed organization), but left that organization before it became anarchistic. He believes in the soviet form of government, and that it should be adopted by the people of the United States if they want it and if they make their demand without violence but by means of our own legal methods. He does not believe in overthrowing this Government by force or violence. If the alien comes within any of the inhibitions of the statutes regarding aliens unlawfully in the country, the facts that make him so have not been proven.

The warrant is canceled.

LOUIS F. POST,
Assistant Secretary.

CASE OF MATT FILIPOVICH.

With a view of furnishing more light on the procedure, the attitude of the Assistant Secretary and the question of whether or not he gives more credence to unsupported statements and requests of attorneys and other parties interested in behalf of the alien than he does to the evidence adduced at the hearings, the case of Matt Filipovich, bureau file No. 54859/589, is cited. This is a case in which the Acting Secretary ordered the alien deported. The warrant for his deportation was issued, the State Department and the Department of Justice advised that his deportation was to take place, and the field officer in charge at Detroit notified to bring in the alien and cancel his bond and to join him to a deportation "pick-up" party that would go through Detroit, said party leaving Chicago via Detroit April 11, 1920. All of this was with the knowledge and approval of the Assistant Secretary. However, for some reason the alien was not delivered to the "pick-up" party, nor was the officer in charge of said party advised as to why. The files, however, show that under date of April 12 a telegram was sent to the Assistant Secretary by an attorney, who had not, in so far as the file and records show, ever appeared or been authorized to appear in the case, said telegram requesting a stay of deportation and a rehearing of the case. No grounds whatsoever as to why the case should be reheard are shown, nor is there any showing as to the additional evidence he expected to offer or the materiality of same. However,

the telegram bears the Assistant Secretary's notation at the bottom, under the date of April 13, saying "Open for rehearing." Some one in Detroit must have been advised of the intended instructions to rehear the case and to stay deportation before the "pick-up" party went through there, but there is nothing in the files to indicate who or how.

The papers pertaining to this case, sufficient to get an entire understanding of same, read as follows:

FEBRUARY 24, 1920.

Memorandum for the Acting Secretary.

In re Matt Filipovich, aged 37; Servian race; native of Novy, Bosnia (formerly Austria-Hungary); entered the United States at New York, N. Y., on March 28, 1913.

Department warrant of arrest issued for this alien on January 9, 1920, based on a signed statement made before a special agent of the Department of Justice on January 4, to whom the alien admitted that he is a member of the Communist Party.

The alien was accorded a hearing on January 20 at Detroit, waiving his right to be represented by counsel. The testimony shows that the alien is single, literate, and has never taken any steps to become a citizen. The alien was shown the original statement made before the special agent of the Department of Justice and admitted the truth of the statements contained therein. During the course of the hearing the alien again admitted that he is a member of the Communist Party, having previously belonged to that section of the Socialist Party when that organization became a member of the Communist Party in September, 1919. The alien registered for the draft, but never received further notification from the board. There is also incorporated into the record documentary evidence showing the character of the Communist Party. The alien is now held in detention. He does not oppose deportation. The evidence conclusively shows, by the alien's own admissions, that he is a member of the Communist Party.

The examining inspector recommends the alien's deportation, which recommendation is concurred in by the inspector in charge at Detroit.

The evidence submitted and adduced establishes, and the bureau finds, that this alien is in the United States in violation of law (act of Oct. 16, 1918), and is subject to deportation therefor, this on the ground, and it is so found, that he is a member of or affiliated with an organization that advocates, teaches, or entertains a belief in the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law.

It is therefore recommended that the department issue its warrant for his deportation on these grounds, such deportation to be to Jugo-Slavia at Government expense. It is further recommended that the alien be transferred to Ellis Island, there to be detained until such time as his deportation can be accomplished.

A. CAMINETTI,
Commissioner General.

Approved.

JOHN W. ABERCROMBIE, *Acting Secretary.*

FEBRUARY 27, 1920.

The SECRETARY OF STATE,
Washington, D. C.

SIR: I have the honor to inform you that this department has this day issued its warrant directing the deportation to Jugo-Slavia, via New York, N. Y., of the alien Matt Filipovich, under the act approved October 16, 1918.

Respectfully,

ACTING SECRETARY.

Attention J. M. Nye, Chief Special Agent, room 104, Department of State.

[Telegram.]

MONTREAL, QUEBEC, *April 7, 1920.*IMMIGRATION BUREAU,
Washington, D. C.:

Referring bureau file 54859/589, case Matt Filipovich, alien to be joined deportation party leaving Chicago 11th. Please telegraph Detroit direct authority to withdraw Liberty bond deposited by Filipovich.

CLARK.

APRIL 10, 1920.

IMMIGRATION SERVICE,
Detroit, Mich.

As it is understood Matt Filipovich is to leave Detroit to-morrow to join Russell party, you are authorized to withdraw Liberty bonds deposited his behalf for return to depositor.

Post.

Attest.

ASSISTANT SECRETARY.

(Exact copy as signed by Louis F. Post mailed April 13, 1920.)

[Telegram.]

DETROIT, MICH., *April 12, 1920—5.53 p. m.*W. B. WILSON,
Secretary, Washington.

Have just been retained by Matt Filipovich in his deportation case, department file 54859-589, Detroit file 353. I understand that warrant of deportation has already been issued. Deportee had no counsel, and from my investigation, I am convinced that deportation would be an error.

Will you grant a rehearing on this application? If not, will you give an extension of time, and authorize or instruct Dr. Prentis to give me a copy of the testimony, in order that I may make a more definite application within a reasonable time?

JOSEPH B. BECHENSTEIN,
400 Majestic Building, Detroit, Mich.

April 13—9.15 a. m.

APRIL 14, 1920.

Open for rehearing. Wire.

LOUIS F. POST,
Assistant Secretary.

CASE OF CHRISTANT ROMANUK.

Also the case of Christant Romanuk, bureau file No. 54859/661, a case in which the evidence adduced at the hearing, as shown in the bureau summary and recommendation, established the alien's membership in the Communist Party. His deportation was recommended by the commissioner general and approved by the Acting Secretary, who was the deciding officer at the time, but who evidently left before the warrant of deportation could be prepared for his signature. Said warrant, when prepared, accordingly went to the Assistant Secretary for signature, who returned it unsigned, together with a memorandum to the effect that he could not sign same and instructing that the matter be suspended until the return of the Acting Secretary; also further instructing that in the meanwhile the alien in question be released on parole.

The memoranda herein referred to read as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, March 15, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: Christant Romanuk (alleged Communist), No. 54859/661.

In approving deportation for membership in the Communist Party the Acting Secretary must have been misled by the bureau memorandum of March 2, 1920. Upon examination of the evidence I can not sign the warrants. Suspend proceedings until return of Mr. Abercrombie. Release the alien meanwhile on parole.

LOUIS F. POST,
Assistant Secretary.

Received March 17, 1920. Bureau of Immigration. Law.

MARCH 2, 1920.

Memorandum for the Acting Secretary.

In re Christant Romanuk, age 33, married, wife and child in Russia, subject of Russia; entered the United States at Detroit, Mich., May 12, 1916, via C. P. R.

Departmental warrant issued January 8, 1920, based upon affidavit submitted by special agent of the Department of Justice, alleging alien to be a member of the Communist Party of America.

The alien waived right to counsel and was accorded a hearing at Detroit, Mich., January 21, 1920, during course of which hearing alien admitted membership in the Communist Party of America (pp. 3 and 4 of the record), incidentally expressing belief in the doctrines of Lenin and Trotski, and communistic government in general.

The investigating officer recommends deportation, which is concurred in by the inspector in charge at Detroit.

The evidence submitted and adduced establishes, and the bureau finds, that this alien is in the United States in violation of law (act of October 16, 1918) and is subject to deportation therefor, this on the ground, and it is so found, that he is a member of or affiliated with an organization that advocates, teaches, or entertains a belief in the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law.

It is, therefore, recommended that the department issue its warrant for his deportation on these grounds, such deportation to be to Russia at Government expense.

A. CAMINETTI,
Commissioner General.

Approved:

JOHN W. ABERCROMBIE.

Acting Secretary.

CASE OF MICHAEL BABIARZ.

Another case in point is that of Michael Babiarez, bureau file No. 54859/955, in which the Assistant Secretary orders the alien deported and so advises the State Department, but, on the receipt of a wire and a letter from an interested attorney, the Assistant Secretary reexamines the record and, without the introduction of any additional evidence whatsoever, reverses himself and proceeds to cancel the warrant and release the alien.

The memoranda, letters, telegrams, etc., contained in the bureau file which show this procedure read as follows:

MARCH 12, 1920.

Memorandum for the Assistant Secretary.

In re Michael Babiarez, age 33; male; literate; subject of Austria (Poland); entered the United States at the port of New York ex-steamship *Kronn Princessin Cecelia*, October, 1912.

Department warrant issued January 9, 1920, based upon an affidavit submitted by special agent of the Department of Justice, alleging that the alien was a member of the Communist Party of America, Polish Branch, Depew, N. Y.

The alien waived right of counsel and was accorded a hearing at Buffalo, N. Y., January 13, 1920, at which time he admitted membership in the Communist Party of America, as shown by his testimony (pp. 3 and 4 of the record), said admission being

corroborated by original application for membership in the Communist Party of America. (Exhibit D of the record.)

The investigating officer recommends deportation, which is concurred in by the inspector in charge at Buffalo.

The evidence submitted and adduced establishes, and the bureau finds, that this alien is in the United States in violation of law (act of Oct. 16, 1918) and is subject to deportation therefor, this on the ground, and it is so found, that he is a member of or affiliated with an organization that advocates, teaches, or entertains a belief in the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law.

It is therefore recommended that the department issue its warrant for his deportation on these grounds, such deportation to be to Poland at Government expense. It is further recommended that the alien be transferred to Ellis Island, there to be detained until such time as his deportation can be accomplished.

A. CAMINETTI,
Commissioner General.

Deport.

LOUIS F. POST, *Assistant Secretary.*

WARRANT—DEPORTATION OF ALIEN.

No. 54859/955
Inclosure No. 8724.

UNITED STATES OF AMERICA,
DEPARTMENT OF LABOR,
Washington.

To the ACTING COMMISSIONER OF IMMIGRATION,
Ellis Island, New York Harbor:

Whereas, from proofs submitted to me, after due hearing before Immigrant Inspector David Lehrhaupt, held at the Erie County Jail, Buffalo, N. Y., I have become satisfied that the alien Michael Babiarz, who landed at the port of New York, N. Y., ex steamship *Kronprinzessin Cecile*, on or about the 15th day of October, 1912, has been found in the United States in violation of the act approved October 16, 1918, to wit: That he is a member of or affiliated with an organization that entertains a belief in the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States, and may be deported in accordance therewith.

I, Louis F. Post, Assistant Secretary of Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to return the said alien to Poland, the country whence he came, at the expense of the appropriation, "Enforcement of laws against alien anarchists, 1920." You are directed to purchase transportation for the alien from New York, N. Y., to such point in Poland as you may designate, at the lowest available rate, payable from the above-named appropriation.

For so doing, this shall be your sufficient warrant.

Witness my hand and seal this 27th day of March, 1920.

(Exact copy as signed by Louis F. Post; mailed March 27, 1920, by Assistant Secretary of Labor.)

THE SECRETARY OF STATE,
Washington, D. C.

MARCH 27, 1920.

SIR: The department has the honor to advise that it has to-day ordered the deportation of one Michael Babiarz to Poland from Buffalo, N. Y., via the port of New York, the proceedings against him having been instituted under the act approved October 16, 1918.

Respectfully,

LOUIS F. POST,
Assistant Secretary.

(Exact copy as signed by Louis F. Post, mailed March 27.)

Attention Mr. J. M. Nye, chief special agent, room 104, Department of State.

[Telegram.]

BUFFALO, N. Y., April 10, 1920—4.49 a. m.

Hon. LOUIS F. POST,

Assistant Secretary of Labor, Washington, D. C.:

Refer to 54809 general, and ask that alien Frank Kaskak, Frank Drost, Vicenty Doboaki, Peter Romanchuck, and Michael Babiarz, directed returned to Poland, and they can not remain in United States, be deported to Soviet Russia. Should be recalled that Buffalo delegates to Chicago convention of party voted against majority program, including manifesto and program, and that local organization at Buffalo did not adopt manifesto.

EUSTACE REYNOLDS, *Attorney.*

[Telegram.]

BUFFALO, N. Y., April 8, 1920.

Hon. LOUIS F. POST,

Assistant Secretary of Labor, Washington, D. C.

Refer to warrant 54859/955, issued in the case of Alien Michael Babiarz, who has child of 6, born in United States, and wife expecting baby in two months; and request you to cancel the warrant of deportation. Reopen the case for a further hearing and admit the alien to bail under \$500 bond, pending its disposal. Wire answer, collect.

EUSTACE REYNOLDS.

APRIL 9, 1920.

On reexamination of record I find that the application card of alien is not the application required by proscribed Communist Party. Cancel warrant of arrest and deportation warrant.

LOUIS F. POST,
Assistant Secretary.

CASE OF DAVID BAYLY.

Another case along the same lines is that of David Bayly, bureau file No. 54709/823. In this case the Assistant Secretary ordered the deportation of the alien "solely on the ground" that he was a member of the Communist Party. He received a letter from a member of the Detroit Federation of Labor in behalf of the alien and ordered the case reopened, though no showing to warrant such a procedure had been made.

The papers pertinent to this matter, as appearing in the bureau file, read as follows:

APRIL 2, 1920.

Memorandum for the Assistant Secretary.

In re David Bayly, alias David M. Bayly; native of Russia, of the Hebrew race; aged 27; married; wife in United States; entered the United States at New York, December 22, 1905; is now at liberty on bond.

Warrant of arrest is dated December 29, 1919, based on an affidavit of an agent of the Department of Justice, dated December 11. An analysis of the evidence shows that alien claims to have declared his intention to become a citizen of this country in March, 1914, that his father had lived in this country, returning to Russia in the last-mentioned year; that alien's mother and brother are in Detroit, and that he furnishes part of the support of his mother. Alien is a man of splendid education and attainments, having graduated from the University of Michigan in 1915 as a mechanical engineer, and having practiced his profession in Detroit and vicinity since then. He testified that while attending the university he became interested in economic and social reforms, and joined the Socialist Party in his junior year; and that after graduation he transferred his membership to the Socialist Party in Detroit; that the branch he joined affiliated with the Communist Party in a body last fall; and that he retained his membership at the time of affiliation; that he attended meetings; that he had read the manifesto and program of the Communist Party, but claims his understanding of the principles and doctrines differs widely from the interpretation recently given them by this department.

Membership card in the Communist Party is an exhibit, showing dues paid through the month of December, and that a special agent of the Department of Justice in his testimony showed the counsel from records of the Communist Party that alien was a delegate from his English branch to the city central committee in Detroit on September 16 last; and in this connection attention is invited to the alien's own three-page brief, addressed to the Secretary, which is Exhibit C, in which he states at the bottom of page 1 that on a certain issue the entire Socialist Party of America seceded from the national office of said party and joined with a number of other organizations in a convention, out of which issued the Communist Party; and at top of page 2 alien gives his understanding of what the new party should strive for.

Unsupported allegations of the alien made at the hearing herein, after his arrest, concerning membership, or nonmembership in, or affiliation, or nonaffiliation with the Communist Party, or his claim of lack of knowledge of or belief in its principles, or his alleged withdrawal from said party, constitute self-serving declarations which, unless supported and proven by competent evidence based on his acts, declarations and circumstances occurring anterior to such warrant, can not be accepted as sufficient cause in law to warrant his release in the pending proceeding. Such allegations to the extent that they have been made by the alien herein have not been established by competent evidence.

The examining inspector recommends deportation, as does the inspector in charge at Detroit.

The evidence submitted and adduced establishes, and the bureau finds, that this alien is in the United States in violation of law (act of Oct. 16, 1918) and is subject to deportation therefor, this on the ground, and it is so found, that he is a member of or affiliated with an organization that advocates, teaches or entertains a belief in the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law.

It is therefore recommended that the department issue its warrant for his deportation on these grounds, such deportation to be to Russia at Government expense.

A. CAMINETTI,
Commissioner General.

Deport. (Solely for membership in Com. Party.)

LOUIS F. POST,
Assistant Secretary.

APRIL 6, 1920.

Mr. LOUIS F. POST,
Assistant Secretary of Labor, Washington.

DEAR SIR: We desire to ask for a reopening of the case of David Bavly in order to present new testimony to show that Mr. Bavly was not in any way a member of the Communist Party. The branch to which he belonged was not a branch of the Communist Party. Deportation in his case on the grounds of membership in that party is unwarranted.

Respectfully, yours,

FRANK X. MARTEL,
Business Representative, Detroit Federation of Labor.

Reopen.

LOUIS F. POST,
Assistant Secretary.

APRIL 7, 1920.

Prepare reply to Mr. Martel's letter. L. F. P. April 7, 1920.

CASE OF POLIKIEWICZ.

Another case in question is one entitled "In re Polikiewicz," bureau file No. 54809/225, and refers to an alien ordered deported, but upon a memorandum of the Assistant Secretary ordered reopened and the alien released on his own recognizance. Just what significance the letter in which the Assistant Secretary in his memorandum instructs be answered has on the question of reopening the file does not show. However, there is nothing therein to indicate that any showing justifying a reopening was ever made. The word "relevant" appearing in the memorandum is a code word for releasing the alien on his own recognizance.

The memorandum referred to reads as follows:

In re Polikiewicz.

Upon reading the hereunder record it is ordered that the case be opened for further hearing.

Meanwhile "relevant" if no bond has been given.

Prepare reply to Congressman Sherwood's letter of March 30, 1920, hereunder.

LOUIS F. POST,
Assistant Secretary.

Case approved by Acting Secretary.

CERTAIN CORRESPONDENCE RELATING TO PLACES OF DEPORTATION OF
THOSE RECENTLY ORDERED DEPORTED.

The letters and instructions referred to read as follows:

PITTSBURGH, PA., March 23, 1920.

HON. LOUIS F. POST,
Assistant Secretary of Labor,
Department of Labor, Washington, D. C.

HONORABLE SIR: As attorney of record for the list of aliens hereto appended and for the aliens now confined in Detroit, Mich., who are charged with being members of the Union of Russian Workers, and the aliens confined at Youngstown, Ohio, who are charged with being members of the Union of Russian Workers and the Communist Party of America, I desire to make the following representation:

All these men at their hearings claimed that they were citizens of Russia. They came to the United States prior to 1914, at which time all of the Baltic Provinces, Poland, and Finland were parts of Russia. These men never became citizens of the United States, and they are therefore citizens and subjects of Russia. Some of these men came from the Provinces now claimed by Poland and Lithuania, together with the Provinces of Grodno, Kovno, and Minsk.

When at Ellis Island on Saturday I was informed that it was the intention of the department to ship aliens who are charged with being anarchists and who came from the above-mentioned Provinces, or other Provinces now belonging to the independent State of Poland, to Danzig, which port was given to Poland by the peace treaty.

All of these men, who are classed as Poles, are very much opposed to being sent to Danzig, as they are unable, in the first place, to speak the Polish language, but speak Russian; and they are further opposed to being sent to Danzig or Poland because of the attitude of the Polish Government to any person charged with radical tendencies or ideas.

The case of these men is similar to the case of the Russians sent to the *Buford*. There was considerable discussion prior to their deportation that they would be sent to either Kolchak or Danikin, and that would have meant the death of these men had they been sent to the above-mentioned.

I am reliably informed that if these men are sent to Danzig or any place outside of Soviet Russia that they would be either executed or put in prison for an indefinite time or forced to join the White Army, opposed to Bolsheviks.

It is no doubt the policy of your department to do nothing that would jeopardize the lives of any of these men or cause their imprisonment or endanger them in any way. It would furthermore cause unpleasant complications with the Russian Government of which Government they are subjects and citizens.

You will therefore give this matter the consideration that it merits.

I repeat that under no circumstances should these men be sent to Danzig, but some other route can undoubtedly be found that would enable them to reach Soviet Russia. I suggested to Mr. Caminetti that these men be shipped to Constanza, a port in Roumania, and from there to transship to Odessa, which I am reliably informed is in the hands of the Soviet Government.

Thanking you for your kindness and consideration of this matter while in Washington, and for your present consideration, I beg to remain,

Very truly, yours,

JACOB MARGOLIS, *Attorney at Law.*

MARCH 25, 1920.

MY DEAR MR. MARGOLIS: In acknowledging your letter of the 23d of March, you are informed that instructions have been given not to deport Russians to Poland until further directions.

Sincerely,

LOUIS F. POST, *Assistant Secretary.*

JACOB MARGOLIS, Esq.,
Pittsburgh, Pa.

APRIL 5, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: Deportation of Russians to Poland.

Protests and petitions are coming to the department against the deportation of Russians to Poland. You will find some of the petitions in file No. 54809/836. Similar petitions appear in other files. Protests have been made by American citizens. The circumstances in Europe at the present time are such as to justify the protests and petitions.

You are therefore hereby instructed to permit no deportations of Russians to Poland against their will, and you are further instructed to ascertain from all aliens directed to be deported to Poland whether or not they are Russians, whether or not their deportation to Poland would subject them to punishment for political reasons, whether or not they object to deportation to Poland, and in case of objection the reason for the objection.

Further or modified instructions will be given if necessary upon the recommendation or request of the Commissioner General.

LOUIS F. POST,
Assistant Secretary.

TELEGRAMS WITH REFERENCE TO CERTAIN DETROIT CASES.

Of interest, also, are various telegrams to and from the Assistant Secretary with reference to aliens arrested at Detroit, who, by the way, are detained in the old Army barracks at Fort Wayne and not in a jail. In connection with these telegrams is a memorandum of the commissioner general to the Assistant Secretary which indicates that the Assistant Secretary had ignored the bureau in this transaction.

The telegrams and memorandum read as follows:

DETROIT, MICH., *April 17, 1920.*

LOUIS F. POST,
Assistant Secretary, Washington.

F. M. Butzel, of house of correction board, Gustavus D. Pope, chairman Michigan Red Cross, and myself will serve as parole committee for aliens detained under orders your department. Am informed men will accept such parole.

ALLAN CAMPBELL.

(Penciled note:) Congressman Nichols says the first two are very prominent men in Detroit well known and unassailable from any standpoint.

APRIL 17, 1920.

ALLAN CAMPBELL,
Detroit, Mich.

Proposal in your telegram on behalf of yourself, F. M. Butzel, and Gustavus D. Pope to act as parole committee for aliens unable to give bail is acceptable. Confer with Inspector Prentiss who will give your committee access to the aliens and to the records and documents on which their cases rest. Wire your requests directly to this office in each case.

LOUIS F. POST,
Assistant Secretary.

APRIL 17, 1920.

INSPECTOR IN CHARGE,
Detroit, Mich.

F. M. Butzel, Gustavus D. Pope, and Allan Campbell, all of Detroit, offer to act as parole committee for aliens in detention, unable to give bail and consequently suffering hardship. Grant this committee access to the aliens and to the records and documents on which their cases rest.

LOUIS F. POST,
Assistant Secretary.

APRIL 19, 1920.

Memorandum for the Assistant Secretary.

The telegram hereunder has reached the bureau. Apparently it belongs with the Assistant Secretary's Office file and only came here on account of having been attached to a Bureau of Immigration confirmation blank. However, the bureau is ready to receive such instructions as you may have to give concerning the same.

COMMISSIONER GENERAL.

RIGHTS OF ALIENS.

A curious circumstance with regard to members of the anarchist and certain other deportable classes is that while they claim to be opposed to the existing Government of the United States, they invariably demand the right to be protected, in every manner and to every degree, by the existing Government. They even go further and demand, for their alien members, all of the rights bestowed upon American citizens by the Constitution of the United States.

In connection with this line of thought, a memorandum of the Assistant Secretary, dated March 17, 1920, is of interest. The memorandum reads as follows:

DEPARTMENT OF LABOR,
 OFFICE OF THE ASSISTANT SECRETARY,
Washington, March 17, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: Examination of aliens in immigration hearings with respect to naturalization.

In many hearings held under warrants of arrest issued by the Secretary of Labor I notice that the arrested aliens are asked by examining inspectors if they have made application for citizenship. Upon giving negative answers they are interrogated in a way that implies governmental blame of the aliens as for neglect of duty on their part. In other words, officials in this department of the Government appear upon the record to have censured aliens for not having applied for citizenship.

This is contrary to the spirit of the policy regarding naturalization which the Secretary of Labor has officially declared. In connection with the administration of the Bureau of Naturalization, the Secretary has forbidden activities therein for urging aliens to declare intention to become citizens. He has limited its activities of that kind to aliens who have declared their intentions without pressure from this department. The distinction he makes is this: Whereas private citizens may freely urge aliens to become citizens, a department of the Government can not do so until the aliens have voluntarily declared their intention, inasmuch as such a course might be regarded as offensive to the home country of the aliens. It might imply that we do not accord domiciliary rights to citizens of other countries. When, however, an alien has declared his intention, the Secretary holds this department free to promote his purpose by encouraging him to qualify and assisting him in qualifying for admission. In the one case the Government promotes the voluntarily declared purpose of the alien; in the other it would in effect be coercing him to do what he may not wish to do (abjure his existing allegiance) and what this Government has no right under international comity to urge him to do.

It is, of course, proper in immigration proceedings to ask arrested aliens whether or not they are citizens. The department, having no jurisdiction to deport citizens,

has the right to investigate the fact of citizenship. But the reason of an alien for not having become a citizen is immaterial in most, if not in all, warrant cases. Should it appear in any case to be material, the examining inspector must ascertain the fact, but in so doing, he should avoid any implication that the Government regards it as a duty of aliens to become citizens.

Instruct commissioners of immigration and inspectors in charge accordingly.

LOUIS F. POST,
Assistant Secretary.

PROVISION OF SECTION 20 CONCERNING AMOUNT OF BOND.

Section 20 of the act approved February 5, 1917, provides that aliens in custody under said act "may be released under a bond in the penalty of not less than \$500." That same provision with reference to bond applies to the act of October 16, 1918. In neither act is there any provision for the release of an alien on a bond in a less sum than that mentioned. No provision whatsoever authorizes the release of aliens on their personal recognizance or to the custody of another. This portion of the law has, however, been continually violated. Aliens have been released on bonds of much less than the sum of \$500 fixed by Congress as a minimum. They have been released time and time again on their personal recognizance or to the custody of another. The policy seems to have been to release an arrested alien from custody as soon as possible, regardless of whether or not he would appear again, regardless of the fact that he was an anarchist working for the overthrow of the Government of the United States, and regardless of whether or not he was diseased, feeble-minded, or insane. The policy seems to be to give the alien the benefit of every technicality, the Government the benefit of nothing. These releases have been ordered over the recommendations and protests of the field officers, coming in personal contact with the aliens and, therefore, in a far better position to judge the nature of the cases in question than those who ordered the releases. Releases have been ordered in direct violation of law. Releases have been ordered where the officer so ordering knew absolutely nothing regarding the alien so released. He knew absolutely nothing concerning the evidence in existence against the alien, but he did know that the charge on which the alien was arrested was of a serious nature, and he should have known that the law prohibited the release on anything short of a bond in a sum of not less than \$500.

A letter from the Commissioner of Immigration at New York, dated July 15, 1919, undoubtedly expresses the opinions generally held by all field officers handling this class of cases. The letter reads as follows:

DEPARTMENT OF LABOR,
OFFICE OF COMMISSIONER OF IMMIGRATION,
Ellis Island, New York Harbor, N. Y., July 15, 1919.

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

I have observed that warrants of arrest issued as to aliens of the anarchistic class provide for their release upon the filing of a bond, usually in the sum of \$1,000, pending hearing or final decision. The act of October 16, 1918, relates to those who are anarchists, who believe in or advocate the overthrow by force or violence of government, who disbelieve in or are opposed to all organized government, who advocate or teach the assassination of public officials, who advocate or teach the unlawful destruction of property, or who are members of or affiliated with an organization that entertains a belief in, teaches or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches dis-

belief in or opposition to all forms of organized government, etc. If sufficient evidence has been obtained to justify the issuance of a warrant for the arrest of an alien upon any of the grounds set forth in the law, it seems to me to be most inconsistent to release that alien, after his apprehension, upon a bond, irrespective of the amount thereof. I feel that it should be determined as quickly as possible whether the charge made against the alien is in accord with the facts, and, if it is, that he should not be released from custody under any condition. If the charge is not sustained then he should be released outright. The present practice enables the principals and their attorneys or friends to postpone hearings from time to time, for reasons which may or may not be adequate if the actual facts could be ascertained, delays the rendering of a decision by the department, and enables the man concerned to go along continuing the teaching of his heresy. As a matter of fact he is quite likely to be more active, and secure a larger following, by reason of the fact that he has been taken into custody by the Government, than if he had not been disturbed in the first instance.

From a cursory examination of our records, I find that at the present time there are 18 of the anarchistic class who have been apprehended in this district, or brought here for deportation, and subsequently released on bonds. As to some of these I have been advised definitely that they are at the present time actively spreading their propaganda. They seem to be able to secure a bond in almost any amount, and unless the department feels that it must authorize release pending final decision upon some sort of a guarantee, I strongly recommend that none who are taken into custody under the terms of the act of October 16, 1918, be released until they establish their innocence. If, upon the other hand, you feel that you are compelled to authorize the acceptance of some sort of a bond, then in no instance specify a sum less than \$25,000, or even greater. You will understand that my contention is that the amount named should be so great that it will be practically impossible for any one of this class to secure a bond.

I well realize the practical difficulties and the financial expense involved in holding any considerable number of these people in detention for an indefinite period, but it is my understanding that the law referred to was enacted for the purpose of preventing the spread of the nefarious doctrines taught by these people and to protect the public from the outrages they commit from time to time. Certainly the result desired is of much greater importance than mere saving of money involved in their detention, and I feel that if this phase of the matter is presented to Congress that body can not fail to appropriate sufficient funds to meet the situation.

BYRON H. UHL,
Assistant Commissioner.

BOND FOR PROSTITUTE, \$1,000; BOND FOR TWO ANARCHISTS, NOTHING.

While the Assistant Secretary seems to have a leaning toward all aliens, this leaning appears to be particularly strong toward those arrested as anarchists. A comparison of his action in five cases passing through his hands illustrates this clearly. In order that his action in these cases may be fully understood, attention is again called to the procedure in arrest cases set forth early in this report. It will be recalled that when a warrant of arrest is applied for by telegraph the officer at the department issuing same has no knowledge of the evidence on which the application for the warrant is based. He only knows what the charge against the alien is and that the filed officer believes there is sufficient evidence to justify the issuance of a warrant of arrest. The officer in the department can, of course, form some idea of the seriousness of the case by the nature of the charge, but as to the evidence at hand he must wait the arrival by mail of the formal application for the warrant. Bearing these facts in mind, attention is called to bureau file No. 54821/78, which shows that on April 1, 1920, a telegraphic application for a warrant of arrest was made. The charge against the alien was that she was a prostitute. A telegraphic warrant was issued by the Assistant Secretary. The bond in this case was fixed in the sum of \$1,000.

Bureau file 54821/74 shows identically the same state of facts, including the date.

Bureau file 54861/346, No. 54861/345, and No. 54861/347 show that a telegraphic application for warrant of arrest was made in the same manner as in the two prostitute cases. In these three last-mentioned cases, however, the charge was that the aliens were anarchists. The telegraphic warrants were issued March 18, 1920, by the Assistant Secretary, and these telegraphic warrants carried the instructions to release the aliens upon their personal recognizance.

ALIENS DEPORTED ON BUFORD NOT PHOTOGRAPHED.

Another interesting matter in connection with the deportation procedure is that although the law provides a penalty for the return to the United States after deportation of aliens deported under certain provisions of the act, including anarchists, instructions have been issued not to photograph aliens so deported, and there is no provision for obtaining a personal description of these deportees. Just how it is intended to identify these deported aliens should they again return to the United States is not known, but it is certain that without photographs and personal descriptions it is impossible to do so in more than a very few cases.

The Assistant Secretary's letter to the Secretary of State dated March 26, 1920, is along these lines and reads as follows:

MARCH 26, 1920.

The SECRETARY OF STATE.

SIR: Replying to your letter of the 22d instant (U-H 311.6124/29), I have the honor to advise you that, under date of the 12th instant, the department forwarded to you two lists containing the names of the aliens who were deported from the port of New York, N. Y., on December 21 last, on the U. S. transport *Buford*.

Referring to your request that you be provided with a descriptive personal record of each individual deported on the *Buford*, I beg to advise you that the department does not have descriptive data covering these aliens. It was the intention to photograph all of them before their departure from New York, but conditions which developed at the last moment prevented this being done.

Respectfully,

ASSISTANT SECRETARY.

Exact copy as signed by Louis F. Post; mailed March 29, 1920.

CASE OF FRANK A. NOVOSAD.

The case of Frank A. Novosad, bureau file 54861/248, is of vital importance in showing attitude of the Assistant Secretary toward the Government of the United States. In this case the alien openly advocated the overthrow of this Government by force of arms. He was ordered deported by the Assistant Secretary, who, in rendering his decision, took occasion to say that the only thing against the alien was that he was in favor of "righting some of the wrongs of this Government."

Documents pertaining to this case read as follows:

[Extracts from file 54861-248, Bureau of Immigration.]

BRENNAM, TEX., February 7, 1920.

The man who came into the office of the Messenger Publishing Co., and entered into conversation with Wm. J. Tucker, editor of the Morning Messenger, gave me his name as Frank Novosad.

Novosad first began his conversation about asking of general conditions here, and after a few moments, during which I was giving him only cursory attention, he remarked, "It is time for a change in Government." Taking this as a clue, to a possible espousal of radical doctrines, I then entered into conversation with him, and gradually, to all apparent purposes, won his confidence. He said, "We must change the government of this country if we have to do it at the point of the bayonet."

I called my brother, Henry Tucker, into the conversation, introducing him, and saying that he was interested in these doctrines.

Novosad then said that the United States Government "is unjust; that the people are downtrodden, and that all the officials are becoming rich," pointing to the example of Woodrow Wilson.

In answer to the query of the plan to be used in correcting these things, Novosad declared, "by force. We must get leaders in every community, and they must act at the proper time. We must get arms and ammunition. Cannon are needed. We have sufficient force to take New York City in three days. We have a great force in Chicago," he added.

We asked Novosad where the money was to be had for such a campaign. And he replied that "I can get all I want from the headquarters in New York." "Do you mean the soviet headquarters?" we asked. "Yes," he replied. "I have traveled from Canada to Texas and talked to many people and I know how they feel about such a move."

Pointing to a sword which I captured from a German soldier at Chateau Thierry, I suggested to Novosad that I was prepared. "That is the way," he said. "Force will overturn the nation and give the real people a chance. We need such leaders. We must also interest Spain, Nippon, and Soviet Russia."

All of the foregoing, among many other things of incendiary nature, were said in conversation with the man, Novosad, and came entirely voluntarily from him, he evidently being mistaken in my identity and being deceived by my apparent show of interest and sympathy. The conversation continued until Sheriff Parker, whom I sent for, arrived and placed the man under arrest.

WM. J. TUCKER.

The above is a true account of the conversation which I overheard and into which I entered.

HENRY TUCKER.

I hereby certify that the above is a true copy of the original on file in the office of the Bureau of Investigation, Department of Justice, San Antonio, Tex.

E. W. SMITH,
Immigrant Inspector.

THE STATE OF TEXAS,
County of Washington, ss:

Before me, the undersigned authority, on this day personally appeared Wm. J. Tucker and Henry Tucker, both personally known to me, who after being duly sworn say on oath that the attached statement is correct, and was made to them in person, under the circumstances described in the said statement, which was written immediately following the conversation with the man known to them as Frank Novosad, February 7, 1920.

WM. J. TUCKER.
HENRY TUCKER.

Sworn to and subscribed to before me, this 15th day of March, A. D., 1920.

[SEAL.]

GREEN MORGAN,
Clerk County Court, Washington County, Tex.

Memorandum for the Assistant Secretary:

In re Frank A. Novosad, single, aged 34, native of Austria, now Czecho-Slovakio, race, Bohemian. Entered at Galveston, Tex., December 30, 1907. Detained at San Antonio.

A department warrant issued in this case on February 19, 1920, it being alleged that he is an alien anarchist; that he believes in the overthrow by force or violence of the Government of the United States, and that he advocates the overthrow by force or violence of the Government of the United States.

He was accorded a hearing under this warrant at San Antonio, Tex., February 20, 1920, waiving the right to be represented by counsel. The principal evidence in this

case, and also the evidence upon which warrant of arrest was based, is an affidavit executed by Wm. J. and Henry Tucker at Brenham, Tex., February 7, 1920. In this affidavit it is stated that Novosad came into the office of the Messenger Publishing Co., on that date, and entered into a conversation with the affiants named, and that in this conversation he advocated the overthrow of the Government of the United States by force and violence, saying, among other things, that, "We must change the Government of this country, if we have to do it at the point of the bayonet." The plan to be used in effecting this change to be "by force;" "We must get leaders in every community, and they must act at the proper time. We must get arms and ammunition; cannon are needed. We have sufficient force to take New York City in three days; we have a great force in Chicago." Also said that he could get all the money he wanted for the work from the soviet headquarters, New York; that he had traveled from Canada to Texas, talked to many people and knows how they feel about such a move, and, his attention being directed to a sword, the alien stated "that is the way; force will overturn the Nation, and give the real people a chance.

As originally made a part of the record, this affidavit was not sworn to, and the record was therefore returned for further hearing. The affidavit was thereupon returned to the affiant, who executed same in a proper form before the clerk of the county court, Washington County, Tex., on March 15, 1920. The case was thereupon reopened at San Antonio, Tex., April 5, 1920, and the alien's attention was again called to this exhibit as sworn to and attested, in response to which he replied that he had no further statement to make.

The alien denies making the statement attributed to him, although he admits having had a conversation with the affiant at Brenham on February 7, and that their affidavit was partly correct, referring especially in this connection to the statement concerning the sword, but stated that he thought it was a joke. He also admits making other remarks to affiant at the time referred to, along the lines of those quoted in the affidavit, but subsequently qualifies these statements in a manner to remove their incendiary nature. He still maintains, however, that to right some of the wrongs in our Government he believes that he would be all right to use force.

The examining inspector recommends that the alien is a proper subject for deportation, and this recommendation is concurred in by the supervising inspector at El Paso.

The evidence submitted and adduced establishes, and the bureau finds, that this alien is in the United States in violation of law (act of Oct. 16, 1918) and is subject to deportation therefor; this on the ground, and it is so found, that he believes in the overthrow by force or violence of the Government of the United States, and that he advocates the overthrow by force or violence of the Government of the United States.

It is therefore recommended that the department issue its warrant for his deportation on these grounds, such deportation to be to Czechoslovakia, at Government expense.

A. CAMINETTI,
Commissioner General.

Deport.

ASSISTANT SECRETARY.

(Following is written in ink:) This alien evidently believes in using force to right some of the wrongs of our Government. Nothing further is proved against him. Under the letter of the statute the case against him is weak, but he seems to fall within its spirit. It is therefore directed that he be deported after being fully informed of this decision.

LOUIS F. POST,
Assistant Secretary.

APRIL 20, 1920.

CASE OF SAMUEL SKLAROFF.

The case of Samuel Sklaroff, bureau file 54809/898, contains documents of interest which read as follows:

COPIES OF CORRESPONDENCE AND DOCUMENTS CONTAINED IN FILE NO. 54809/898 OF THE BUREAU OF IMMIGRATION, DEPARTMENT OF LABOR.

[Communist Party Headquarters, 1330 Arch Street, Philadelphia, Sept. 24, 1919.]

DEAR COMRADES: The headquarters committee which was elected at the last general meeting to secure a headquarters and store for the Communist local has met on Tuesday evening, September 23 at 1330 Arch Street.

Each member of the committee has made an effort during the week to secure a location and what they reported will be of interest to the entire membership. They all substantially agree that the time is coming, if it is not here already, when it will be impossible for the revolutionary movement to keep a store and headquarters unless we own the place. Our immediate task is to meet the rent which is due on October 1, but we must do more than that: We must raise a fund for the purpose of buying a center for work.

A committee will be present at the next meeting of your branch to lay the matter before you. We trust that your branch will respond promptly and nobly to this call for action. The time has arrived for constructive work to take the place of wrangling and dissension. If we are to succeed in our great task of spreading the message of communism among the proletariat of America we must show our fitness to overcome whatever obstacles present themselves in our path. It would be a discouraging sign of our weakness if our organization could not pay the rent for its headquarters or buy those headquarters if necessary. We hope that you will act in this matter at once.

Yours for the communist cause,

[Illegible line.]

Per SAMUEL SKLAROFF.

[Socialist Party, Local Philadelphia. The Socialist Book Store and Headquarters, 1330 Arch Street, M. Kieserman, treasurer; Samuel Sklaroff, general secretary.]

PHILADELPHIA, PA., September 24, 1919.

To the Twentieth Ward Branch.

DEAR COMRADES: This is to certify that Comrade Arthur Pabst has been authorized to appear before you on behalf of the headquarters committee of local Philadelphia, Communist Party. You are hereby requested to give the floor to this comrade and to extend every assistance possible in the matter he will bring to your attention.

Yours for the communist cause,

SAMUEL SKLAROFF,
General Secretary.

NOTE.—There appears in the file an informal office memorandum reading as follows: "Law Div. This case is not only interesting, but requires careful treatment, as I have no doubt it will go to the courts. This alien is very astute and no doubt could be a power for harm. It is important to hold him for deportation and the record therefore should be carefully scrutinized and tested. C." This memorandum bears no date. Copyist.

SAML. SKLAROFF 181,
Department Justice, Ninth and Market Streets.

GENTLEMEN: I have been informed by the newspapers that some of the communists, arrested in the recent raids conducted by your department, have been released.

It can not be emphasized too strongly that no communist is a better man of a greater enemy of capitalism than another. I want to be placed on record as making an earnest appeal that if there are going to be any more deportations, to be one among the first deportees. Every day I stay in jail makes me a better communist. It would be an unjust discrimination, as well as a mistake, to leave me here if one of my loyal comrades is deported. I hope that you will take my request into consideration and act accordingly.

Respectfully,

SAMUEL SKLAROFF.

NOTE.—The original of the above communication bears rubber stamps showing its receipt in the Philadelphia office of the Bureau of Investigation on March 27, 1920, and in the Philadelphia office of the Immigration Service on March 30, 1920. Copyist.

FEBRUARY 5, 1920.

Memorandum for the Acting Secretary.

In re Samuel Sklaroff, aged 27, Russian-Hebrew, entered at New York on October 3, 1916.

Warrant issued for alien's arrest on December 29, alleging that he is in the United States in violation of the act of October 16, 1918, for the reasons outlined in the warrant, copy of which is in the record.

The subject of these proceedings was originally made the subject of an investigation in February, 1919, by an agent of the Department of Justice, but nothing developed

other than circumstances tending to show that the alien was a socialist of a rather radical turn of mind.

Alien was accorded a hearing under the warrant at Philadelphia on January 6. The testimony shows he is single, a pressman by occupation, and resides with his parents in Philadelphia. He claims that his father was naturalized three years ago but he (alien) does not claim citizenship, he having reached his majority prior to his father's naturalization. He registered under the draft and claimed exemption as an alien. He admits being a member of the Communist Party and being in sympathy with its aspirations, but claims he has attended but one meeting and denies having obtained a card of membership. He does admit, however, that his name appears on the membership rolls of the organization and that he, as secretary of the left wing of the Socialist Party, applied to the national committee of the Communist Party for a charter and that it is on the way. He claims that he has not made any money contributions to the organization. On further questioning alien admitted that there was a general revolutionary demonstration planned for May 1, last year, and that he made a statement that when the proper time came to overthrow the existing order of affairs he would be with the leaders, but states his ideas have undergone a change since the statement was made. The alien stated that his case seems to be so clear that it could be disposed of without counsel. He further stated that the socialist branch to which he belonged reorganized under the name of the Communist Party, but that he was not in accord with its principles and immediately withdrew from active work and finally gave up his membership, after having been with the organization for about one month up to October 1. It appears, however, that he admitted (see p. 10) that he last attended a meeting on December 11 and prior to that, on Sunday, November 9, addressed a meeting on the importance of education. In the latter part of October he attended a meeting of the twentieth ward branch of the Communist Party. He admitted that by signing the application for membership in the Communist Party he automatically became a member. There is incorporated in the record a communication dated September 13, 1919, signed by the alien as general secretary in which it appears that the word "socialist" in the heading is crossed out and the word "communist" inserted in its place. There is also introduced in the record copy of a letter dated September 24, 1919, addressed to the twentieth ward branch and issued from the Communist Party Headquarters, 1330 Arch Street, Philadelphia, signed "yours for communism, the headquarters committee, per Samuel Sklaroff, general secretary," together with a bulletin under the same date, which appears to have been issued by the alien. Special Agent Foley, of the Department of Justice, testified that the alien admitted to him, when he was taken into custody, that he was a member of the Socialist Party.

A rehearing was had on January 17, at which there was introduced the minutes of the meeting of the first branch of the Communist Party, containing the record of a meeting which was held on August 29, which the alien states was for the purpose of raising funds to pay the expenses of the delegates to the convention of a party to be organized, which later appears to have become the Communist Party. The alien admits he was instrumental in helping to raise funds for this purpose. The minutes of the organization also show that the alien was present at a meeting on September 26. There is incorporated in the record the mimeograph form containing excerpts which show the character of the organization.

The examining inspector recommends deportation, which is concurred in by the commissioner at Philadelphia.

The evidence submitted and adduced establishes, and the Bureau finds, that this alien is in the United States in violation of law (act of October 16, 1918) and is subject to deportation therefor, this on the ground, and it is so found, that he is a member of or affiliated with an organization that advocates, teaches, or entertains a belief in the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law.

It is, therefore, recommended that the department issue its warrant for his deportation, on these grounds, such deportation to be to Russia at Government expense. It is further recommended that alien be transferred to Ellis Island, there to be detained until such time as his deportation can be accomplished.

[Here appears the initial "L."]
Commissioner General.

Cancel.

LOUIS F. POST,
Assistant Secretary.

NOTE.—Rubber stamp on back of original of foregoing document bears date of April 1, 1920. Copyist.

APRIL 1, 1920.

J. E. HOOVER, Esq.,
Special Assistant to the Attorney General,
Department of Justice, Washington, D. C.

SIR: This is to advise that the department has canceled the warrant proceedings which were instituted against Samuel Sklaroff in the Philadelphia jurisdiction under the act of October 16, 1918.

Respectfully,

A. CAMINETTI,
Commissioner General.

CASE OF ALEXANDER LACZYNSKI.

That the Assistant Secretary's decisions in cases of aliens arrested as anarchists are inconsistent is clearly indicated in the case of Alexander Laczynski, bureau file No. 54859/807. In this case the record of the hearing was reviewed by the bureau's law division. The examining inspector recommended deportation, which was concurred in by the inspector in charge of the district where the hearing was held. The commissioner general also recommended deportation. The entire record including a summary and recommendation of the bureau then went to the Assistant Secretary for decision. Under date of March 13, 1920, the Assistant Secretary, erasing the word "approved" at the bottom of bureau memorandum, ordered the alien deported, and handed down a written decision in which he stated that the alien was found to be a member of the Communist Party. The record, including the original bureau memorandum and the Assistant Secretary's written decision, were then returned to the bureau. In some unexplained manner, however, the bureau memorandum containing the summary and recommendation, as well as the Assistant Secretary's decision, became detached from the record of the hearing. Evidently, another reviewing officer, finding the record of hearing and assuming it had not been reviewed, accordingly proceeded to review it and to make another summary, which while worded different, sets forth the same state of facts contained in the first summary. The case went to the commissioner general, who, without noticing it was a case already passed on, again recommended deportation. The record of hearing together with the new summary, which was dated March 24, 1920; again went to the Assistant Secretary for decision. The Assistant Secretary, upon the same evidence, upon the same state of facts appearing in the summary, and upon the same recommendations by all officers concerned, then proceeded to render an exactly opposite decision from that which he first rendered, by ordering the warrant canceled and the alien released.

His order was carried out and the alien released. Later, however, the first memorandum with his first decision ordering this alien deported, came to light, and the commissioner general called the attention of the Assistant Secretary to his two opposite decisions rendered in the same case and on the same facts. This was done in a memorandum dated April 9, 1920. The Assistant Secretary's reply will be found at the bottom of the bureau memorandum. In it he holds that the decision canceling the warrant was correct and final and attempts to justify his action.

The various memoranda read in this case read as follows:

MARCH 13, 1920.

Memorandum for the Assistant Secretary.

In re Alexander Laczynski, age 27, single, citizen of Poland, entered the United States at Hoboken, N. J., November 23, 1907. The correspondence indicates that the alien is detained in the Lucas County Jail near Toledo, Ohio.

The department warrant issued January 9, 1920, based on information furnished by the Department of Justice, alleging that the alien is a member of the Communist Party of America.

The alien was represented by counsel, who submits a brief (attached). Hearing accorded the alien at Toledo, Ohio, January 11, 1920. At this hearing he admitted membership in the Communist Party of America, that he pays dues to the organization, and attended its meetings (pp. 2 and 3 of the record). He was also formerly a secretary of the Socialist Party for a period of about one year.

The examining inspector recommends deportation. This recommendation is concurred in by the inspector in charge at Toledo.

The testimony adduced establishes and the bureau finds that this alien is in the United States in violation of law (act of Oct. 16, 1918), and is subject to deportation therefor, this on the ground, and it is so found, that he is a member of an organization that advocates and teaches a belief in the overthrow by force or violence of the Government of the United States and of all forms of law.

It is therefore recommended that the department issue its warrant for his deportation on this ground, such deportation to be to Poland, at Government expense.

A. CAMINETTI,
Commissioner General.

(Word "Approved" has been erased.)

Deport (see memo of decision).

LEWIS F. POST, *Assistant Secretary.*

Memorandum.

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, March 13, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: Alexander Laczynski (alleged communist), No. 54859/807.

The attorney's first record objection referred to in his brief is sustained. His other objections are overruled.

Alien is hereby found to be a member of the Communist Party of America, organized in September, 1919, and therefore as coming within the Secretary's ruling in the Preis case. On this ground it is ordered that the alien be deported under the act Congress of October 16, 1918. For the purpose of protecting any rights under the law which the alien may have, his attorney is to be supplied with a copy of this decision.

LOUIS F. POST,
Assistant Secretary.

MARCH 24, 1920.

Memorandum for the Assistant Secretary.

In re Alexander Laczynski, Polish, age 27, single, entered at Hoboken, N. J., November 23, 1907, steamship unknown.

Warrant was issued on January 9, 1920, alleging that the alien is in the United States in violation of the act of October 16, 1918, for the reasons set forth in the warrant, copy of which is in the record.

Hearing was accorded at Toledo, Ohio, on January 11, 1920, the alien being represented by counsel. The record shows that he is literate and obtained his first citizenship papers over five years ago; that he admitted being a member of the Communist Party of America; that he had been a member for three months and paid his dues to the secretary; that his brother, Waclaw Laczynski, was the secretary. He further testified that his section of the Communist Party had arranged to make a demonstration on January 11 to commemorate the four men who were hanged in Poland—they were Socialists—that he was in charge of the arrangements for the singing, but his arrest had interrupted all plans. The records shows that the alien was an active member of the Communist Party. He is being detained in the Lucas County Jail, Toledo, Ohio, in default of bond.

The examining officer and the inspector in charge at Cleveland, Ohio, recommend deportation.

The evidence submitted and adduced establishes, and the bureau finds that this alien is in the United States in violation of law (act of Oct. 16, 1918), and is subject to deportation therefor, this on the grounds, and it is so found, that he is a member of or affiliated with an organization that advocates, teaches, or entertains a belief in the overthrow by force or violence of the Government of the United States, and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law.

It is, therefore, recommended that the department issue its warrant for his deportation on these grounds, such deportation to be to Poland at Government expense.

A. CAMINETTI,
Commissioner General.

Cancel (written over word "deport").

LOUIS F. POST,
Assistant Secretary.

Memorandum for the Assistant Secretary.

APRIL 9, 1920.

In re Alexander Laczynski.

With the practical elimination of the congestion in the section devoted to Communist and kindred cases, odds and ends are being rounded up and we have found that in this case memorandum was prepared by the bureau recommending deportation on the 13th of March, whereupon the department approved and, after it came back into the files, for some unaccountable reason the memorandum of approval, with the decision thereon, with another memorandum thereon of the Assistant Secretary, became detached from the file. Thereafter and on the 24th of March, another memorandum was prepared by the bureau, again recommending deportation, and upon its being transmitted to the department it was returned with an order of cancellation, so that at this time there appears to be one prior order directing deportation and a subsequent order directing cancellation.

Of course, the testimony in the case is identical with that reported to the department on the 13th of March. It is proper to state that notice of cancellation has been sent to the district.

The bureau can only account for the happening of the foregoing by reason of the congestion and confusion existing at the dates of the respective memoranda.

Instructions are requested.

A. CAMINETTI,
Commissioner General.

The findings of fact in the department memorandum of March 13, 1920, are erroneous. The evidence in the case shows that the alien was an "automatic" member who did nothing after the transfer of his branch to confirm his unconscious membership. The order of March 13 was canceled by the order of March 24 and the order of March 24 stands, namely, that the warrant be canceled.

LEWIS F. POST,
Assistant Secretary.

APRIL 9, 1920.

CASE OF PAUL BOSCO.

This is an analysis of the case of Paul Bosco, an alien, as shown by Bureau of Immigration File No. 54616/242.

The subject was born in the southern part of Russia, close to the German frontier.

The case, it seems, originated, in so far as the Department of Labor, Bureau of Immigration, is concerned, with a personal letter written by United States district attorney, Stuart W. Walker at Martinsburg, W. Va., dated June 4, 1919, and addressed to Hon. A. Mitchell Palmer, Attorney General, which reads as follows:

Permit me to express my very great delight in learning from the papers that the dastardly attempt on your life and that of your family was only an attempt, and that no harm befell you or yours. At the same time of the expression of this gratification on my part I hope it will not be regarded as amiss or improper on my part to call your attention to a case from my district disposed of on the 18th day of January, 1918, of

the United States against one Paul Bosco. Bosco came to this country from the southern part of Russia, on the German border.

On inquiry from the department under date of February 27, 1919, which doubtless is in your files, I undertook to give a history of this man as gathered by me in this trial, in opposition to a commutation of his sentence or pardon. I have since learned through the press that this man has either been pardoned or his sentence reduced, and my mind necessarily goes back to this case on learning the dastardly attempt on your life by some one the other night. One of the men implicated with this Bosco by the name of Frank Johnson, and on whom I have abundance of evidence to convict, is a fugitive from justice; I have traced him through Ohio to New York, but I have been unable to locate him. Bosco is such a dangerous character and was so considered by the labor organization in Morgantown, this district, where he committed the overt acts against the Government and for which he was convicted, that he was ejected bodily from the labor organization's headquarters and his former associates came in numbers to Parkersburg, where he was tried, and testified against him. They were so apprehensive of the dastardliness of this man and his associates that they warned the marshal of this district that danger might exist for me in the trial of the case if any bitter denunciations should be used against Bosco. The marshal therefore stationed through the court room his deputies in order to forestall any attempt that might be made by this man's associates. I did not hesitate in vigorously going after him and his kind in the argument of the case and the jury very promptly convicted him. At the time of his sentence, as reported in my letter of February 27, last, he defiantly, in that crowded court room, announced to the court that he hoped that when he would be released from the Atlanta Penitentiary he would find the red flag waving over the American flag.

I simply give you these facts, not in complaint of his sentence having been reduced or his having been pardoned, as I have no right to do so, and I want to be understood as not in the slightest complaining; what I want to suggest is that this man, in the event of his not having yet been released from the Atlanta Penitentiary, be immediately deported. I have no question as to his dangerous tendencies, nor have I any question as to the dangerous tendencies of this man Johnson, whom I have not been able to locate. The third man who was indicted with these two men was a citizen of German extraction from Morgantown, this district, and was defended and cleared by Mr. Stedman, of Chicago, who was sent there to defend him. Gneiser is the man referred to as being defended by Stedman. Gneiser may have been properly acquitted because he showed remarkable shrewdness in his conduct with Bosco and Johnson, always putting them to the fore, and not implicating himself in any open way in the presence of witnesses. After he was acquitted he removed from Morgantown to Ohio.

I have letters in this office that the man Johnson wrote to Bosco, advising him to go to Ohio and register under the draft under the name of his brother, and then get passports in his brother's name, and leave this country. He told Bosco that he so much resembled his brother that he could take his brother's photograph and fool the Government authorities, and in this way get away.

I do not know if this man Johnson has any connection with this bunch of anarchists in the East or not. We do know that after he went from Morgantown that he drifted through Ohio and then went to New York, where he had secured a scholarship in a socialist school in New York, or a school of kindred character.

I am worrying you with all these details because it might throw some light on the investigations the papers say the department is making, and I do urge, if it be not improper by reason of which I have learned and know of Bosco, that if he is pardoned or his sentence has been reduced, as the papers have indicated, that he is a fit subject for deportation. I have no question about his anarchistic tendencies, and his open defiance was illustrated in court.

This letter, or a copy of same was transmitted to the Secretary of Labor under date of June 17, 1919, by Claud R. Porter, Assistant Attorney General, with a letter from Mr. Porter reading as follows:

I have the honor to transmit herewith for your consideration a copy of a letter from the United States attorney at Martinsburg, W. Va., with respect to one Paul Bosco, who is now serving a term of two years in the Atlanta Penitentiary for violation of the espionage act. Bosco is of strong anarchistic tendencies, and while he was sentenced to 10 years' imprisonment the same has been commuted by the President to two years.

Bosco's term will expire on September 1, 1919, and in view of his anarchistic tendencies, it is suggested that steps be taken to have him deported promptly upon his release from the Atlanta Penitentiary on September 1. Mr. Walker, the district attorney, in a personal interview with officials of this department, laid stress upon the bad character of this man.

The letter from Mr. Porter in the immigration files bears the following indorsement, written across the face in ink:

6/18—Issue W/A Anarch, Anarchize, Anarcoten, Anotoid, Disbeliever, Send to Jacksonville with copy of this letter and its inclosure.

The five words in this memorandum are code words for various charges to be contained in the warrant of arrest, same pertaining to anarchists, disbelievers in governments, etc.

The formal warrant of arrest was issued June 20, 1919, signed by Acting Secretary Abercrombie, and reads as follows:

DEPARTMENT OF LABOR,
Washington.

To Thomas V. Kirk, inspector in charge, Jacksonville, Fla., or to any immigrant inspector in the service of the United States.

Whereas, from evidence submitted to me, it appears that the alien, Paul Bosco, who landed at an unknown port, on or about the 1st day of January, 1916, has been found in the United States in violation of the act approved October 16, 1918, for the following among other reasons: That he is an alien anarchist; that he believes in the overthrow by force or violence of the Government of the United States; that he believes in the overthrow by force or violence of all forms of law; that he advocates the overthrow by force or violence of all forms of law; and that he disbelieves in all organized government;

I, John Abercrombie, Acting Secretary of Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to take into custody the said alien and grant him a hearing to enable him to show cause why he should not be deported in conformity with law.

The expenses of detention hereunder, if necessary, are authorized, payable from the appropriation "Expenses of regulating immigration, 1919." Pending further proceedings the alien may be released from custody upon furnishing satisfactory bond in the sum of \$1,000.

For so doing, this shall be your sufficient warrant.

Witness my hand and seal this 20th day of June, 1919.

Exact copy as signed by John W. Abercrombie; mailed June 20, 1919, by ———, Acting Secretary of Labor.

The same was transmitted under date of June 20, 1919, to the inspector in charge at Jacksonville, Fla., with the following memorandum:

The bureau transmits herewith formal warrant of arrest issued to-day for Paul Bosco, who is at present an inmate of the Federal Penitentiary at Atlanta, Ga. A copy of a letter from the Assistant Attorney General, with its inclosure is also inclosed.

A hearing on the warrant of arrest under deportation proceedings was granted the alien, Paul Bosco, by Immigration Inspector Thomas V. Kirk at the United States Penitentiary in Atlanta, Ga., under date of June 25, 1919. Bosco at that time was serving a sentence for violation of the espionage act. A copy of the testimony adduced at the hearing follows:

Alien sworn.

Q. What is your name?—A. Paul Bosco.

Q. Have you ever been known by any other name?—A. No.

Q. My object in coming here is to give you an opportunity to show cause why you should not be deported at the expiration of your prison sentence. I have a warrant for your arrest, signed by John W. Abercrombie, Acting Secretary of the Department of Labor, dated June 20, 1919, No. 54616/242, the charge against you reading as follows: "That he is an alien anarchist; that he believes in the overthrow by force or violence of the Government of the United States; that he believes in the overthrow by force or violence of all forms of law; that he advocates the overthrow by force or violence of all forms of law; and that he disbelieves in all organized government." You are entitled to be represented by an attorney at this hearing.—A. I do not think it necessary to have an attorney.

Q. Then do you waive all right for an attorney and are you ready for the hearing to proceed?—A. Yes.

Q. I hand you the warrant which you will please read.—A. (Alien reads the warrant carefully.) I am not an anarchist. I did not know just what anarchy was until I was accused of it. After I was accused of it I read up and studied on it to find out what anarchy was, and I must say after informing myself I have no objections to anarchists or their principles, as the Constitution of the United States does not forbid anarchistic propaganda or anarchistic doctrines.

Q. Does your understanding of anarchy agree with anarchy or the definition of anarchists as given in the United States immigration law and as set forth specifically in the charge against you in the warrant which you have just read?—A. (Alien carefully reads charge in the warrant, then hesitates for some little time.) I do not believe in the overthrow of law, but whenever laws are against the people I see no reason why the people should not resist their enforcement by force, if it is attempted to enforce the law by force. Whenever Congress passes a law that is contrary to the interests of the people and contrary to the rights guaranteed by the Constitution, then the people are justified in resisting the enforcement of such a law in any way they can—this to uphold their constitutional rights. I think it is the duty of every workingman to take this position.

Q. Of what country are you a citizen or subject?—A. I was born in Russia.

Q. How old are you?—A. I am 27 years old.

Q. When did you first come to the United States?—A. In 1911, from Russia, and landed at Hoboken, N. J., January, 1911, on the *Kaiserin Augusta Victoria*.

Q. Have you ever taken any steps to become a citizen of the United States or any other country?—A. Yes; I got my first papers for United States citizenship at Moundsville, W. Va., in 1914.

Q. Have you ever gotten full citizenship papers?—A. No, sir.

Q. Why not?—A. Just neglect.

Q. Are you married?—A. No.

Q. Have you any relatives in the United States?—A. Yes; a brother, George Bosco, 510 Morgan Avenue, Brooklyn, N. Y.

Q. Does he have the same ideas about Government that you have?—A. I don't know what he believes.

Q. When you first came to the United States how much money did you bring?—A. About \$60. Brought nothing else to amount to anything.

Q. How much money have you now?—A. About \$30. I left some property in Russia, but don't think it in such shape that I could get anything out of it now.

Q. What is your occupation?—A. I have been a glass cutter since I was about 14 years old. For a few months before I was arrested I was in business for myself, selling ice cream and drinks at Morgantown, W. Va.

Q. Why were you arrested?—A. I was arrested at Morgantown, W. Va., for distributing leaflets. The subject of the leaflets was "The Price We Pay."

Q. By what organization was this leaflet gotten up?—A. By the Socialist Party.

Q. Did you distribute any of the leaflets?—A. I sold some socialistic propaganda, as we usually do.

Q. What do you mean by we?—A. I mean socialists.

Q. Just what kind of propaganda did you sell?—A. They did not make any charge against me for selling literature. The charge against me was for distributing the leaflet "The price we pay," which was an argument against world militarism.

Q. For what offense were you tried and convicted and sent to this prison?—A. As I understand it, I was arrested and convicted and sent here for distributing the leaflet "The price we pay." This leaflet was written by John Santuckner, of Chicago, I think, about 1915.

Q. When were you convicted?—A. I was convicted at Parkersburg January 16, 1918.

Q. When did you first become identified with anarchists?—A. I never was identified with an organization of that kind.

Q. When you were convicted at Parkersburg—for how long were you sentenced?—A. For 10 years.

Q. When your sentence and term in penitentiary for 10 years was announced in the crowded court at Parkersburg, did you not state defiantly that you hoped that when you were released from the penitentiary that you would find the red flag waving over the American flag?—A. Yes; I said that.

Q. Do you still hope that?—A. Yes.

Q. And you don't call that anarchy?—A. I don't call that anarchy because the red flag is an international emblem.

Q. You have been living in this country how long?—A. About eight years.

Q. And you think you are better qualified to say what kind of a flag we should have and what kind of laws Congress should make than our best statesmen who were born in this country?—A. I don't mean especially for this country, but for the world.

Q. Then you claim you are better qualified to say what kind of laws the world should have than our President and our Congressmen?—A. I say this because the Constitution of the United States gives every man of the United States a right to express his opinion; but before I said this I carefully looked over the Constitution of the United States and it does guarantee free speech, free press, and free assemblage.

Q. After being in this country seven years you regard yourself a first-class constitutional lawyer and presume to know more about the Constitution than our President and our best Congressmen, do you?—A. The Constitution is plain on free speech, free press, and free assemblage.

Q. Don't you think it would be better for a newcomer to this country to leave the interpretation of the Constitution and the laws of the country to properly constituted authority, rather than to place your own interpretation on these matters, at least until you become a citizen of the United States?—A. I think the Constitution guarantees freedom for foreign people the same as for United States citizens, therefore I try to exercise my privilege.

Q. The Constitution does not give sufficient liberty to aliens as well as to United States citizens and if you would be satisfied with the same kind of liberty that I and all other United States citizens have I do not think you would be in this trouble, do you?—(No answer.)

Q. Were you not treasurer of the liberty defense fund before you were arrested at Morgantown?—A. Yes.

Q. Did you collect any money in that capacity; and if so, how much?—A. Yes; I did. I suppose about \$50 or \$75.

Q. Just what was the object of this organization?—A. The object was to raise some money to help some of our comrades who had been arrested.

Q. What do you mean by your comrades, some more international and constitutional lawyers, like yourself; people who would like to have the red flag flying instead of the United States flag?—A. Comrades who did enjoy their constitutional rights.

Q. Is there any further statement you would like to make as to why you should not be deported to Russia after your sentence expires here?—A. If the United States authorities are not willing for workingmen to exercise industrial democracy, then I would not object to going back to free Russia.

FINDING.

Alien came to the United States from Russia, landing at Hoboken, N. J., in January, 1911; declared his intention to become a citizen of the United States at Moundsville, W. Va., in 1914; was convicted for violation of the espionage act at Parkersburg, W. Va., in January, 1918, and given a sentence in the United States Penitentiary, Atlanta, Ga., for 10 years, which sentence has been reduced to 2 years. Sentence is due to expire in about 30 days. Alien says he does not belong to any organization of anarchists, but his declaration as to what he does believe in as to government and enforcement of law, to my mind, constitutes positive proof that he is an anarchist of the worst type, and it is recommended that he be deported as such at the expiration of his sentence.

In connection with this matter the department's special attention is called to a letter (copy inclosed) dated Morgantown, W. Va., June 4, 1919, from Stuart W. Walker, United States attorney, to Hon. A. Mitchell Palmer, United States Attorney General.

THOS. V. KIRK,
Examining Inspector.

Under date of July 15, 1919, the record of the hearing accorded Bosco was transmitted to the Bureau of Immigration for the action of the Department of Labor, together with a letter from the inspector in charge at Jacksonville, Fla., recommending the alien's deportation and reading as follows:

Referring to department warrant No. 54616/242, dated June 20, 1919, I am inclosing herewith record of hearing in the case of the alien Paul Bosco, now detained in the United States Penitentiary, Atlanta, Ga., whose term will expire in about 30 days.

For the reasons stated in the finding, it is recommended that the alien be deported as an anarchist at the expiration of his prison sentence.

The record was reviewed by the Law Division of the Bureau of Immigration, and under date of July 21, 1919, a memoranda for the Acting Secretary, prepared and signed by A. Caminetti, Commissioner General of Immigration, stating—

The bureau is of the opinion that the alien's own statement and admissions clearly substantiate all of the charges in the warrant of arrest, and upon those grounds his deportation to Russia at Government expense is recommended when possible * * * and it is further recommended that immediately upon his release (this means release from the penitentiary) he be taken into custody by this service and detained until his removal from the country can be accomplished.

This memoranda was approved by the Acting Secretary and bears the notation in pencil as follows: "Where shall we hold him? New Orleans?"

While quoting another memoranda, it is desired to call particular attention to the above-quoted paragraph, which indicates the intention of holding this alien without bond until his deportation can be accomplished.

The memoranda now follows:

The above-named alien was arrested at the Federal prison, Atlanta, Ga., on the grounds that he is an alien anarchist; that he believes in the overthrow by force or violence of the Government of the United States; that he believes in the overthrow by force or violence of all forms of law; that he advocates the overthrow by force or violence of all forms of law; and that he disbelieves in all organized government.

This case arose as the result of the alien's conviction and sentence in the Federal courts at Parkersburg, W. Va., for violation of the espionage act, the sentence at first being 10 years in the above-named prison but later commuted to 2 years. He states that he was convicted and sentenced for distributing leaflets at Morgantown, W. Va., entitled "The price we pay," and that such leaflets were prepared by the Socialist Party; also that he sold other socialistic propaganda. He further admits that at the time sentence was pronounced in the crowded courtroom at Parkersburg he stated defiantly that he hoped that when he was released from the penitentiary he would find the red flag waving over the American flag, and he still hopes that this may be the case. He evidently sets himself up as a constitutional authority, saying that he did not believe the above statement he made in the courtroom was anarchistic because the red flag is an international emblem. He was given an opportunity to read the warrant. After doing so he stated as follows: "I am not an anarchist. I did not know just what anarchy was until I was accused of it. After I was accused of it I read up and studied on it to find out what anarchy was, and I must say, after informing myself, I have no objections to anarchists or their principles, as the Constitution of the United States does not forbid anarchistic propaganda or anarchistic doctrines.

He was then asked if his understanding of anarchy agreed with the definition of anarchy as given in the United States immigration law and as set forth in the warrant of arrest, and replied, after considerable hesitation: "I do not believe in the overthrow of law, but whenever laws are against the people I see no reason why the people should not resist their enforcement by force, if it is attempted to enforce the law by force. Whenever Congress passes a law that is contrary to the interests of the people and contrary to the rights guaranteed by the Constitution, then the people are justified in resisting the enforcement of such a law in any way they can—this to uphold their constitutional rights. I think it is the duty of every workingman to take this position."

The alien has not taken out final citizenship papers, and stated that he had not done so simply because of neglect. He says that he was treasurer of the liberty defense fund at Morgantown, W. Va., and during the period of his office collected about \$75, the object of which was to assist some of his comrades who had been arrested.

In a letter to Attorney General Palmer, copy of which is made a part of the record, the United States attorney at Parkersburg, who prosecuted the alien under the espionage act, states that he is considered as a very dangerous man; that he was bodily ejected from the labor organization's headquarters at Morgantown, and that his former associates came in numbers to Parkersburg to testify against him; also that they considered him so dangerous that they warned the marshal of that district that danger might exist during the trial.

The bureau is of opinion that the alien's own statements and admissions clearly substantiate all of the charges in the warrant of arrest, and upon those grounds his

deportation to Russia at Government expense is recommended, when possible. His term in the penitentiary will soon expire, and it is further recommended that immediately upon his release he be taken into custody by this service and detained until his removal from the country can be accomplished.

Under date of July 24, 1919, the Assistant Commissioner General of Immigration, with the approval of the Acting Secretary of Labor, addressed the following letter to the commissioner of immigration at New Orleans:

The bureau transmits herewith for your information copy of a formal warrant of deportation issued to-day for Paul Bosco. This alien is confined in the Federal penitentiary at Atlanta, Ga., but will be released from custody in about three weeks, at which time he will be delivered at your station by an officer detailed by the inspector in charge at Jacksonville for detention after his deportation can be effected.

The expenses incident to such detention, including the expenses of delivering the alien at Ellis Island, New York Harbor, for deportation, as well as those of an attendant who will accompany him, if necessary, are authorized, payable from the appropriation "Expenses of regulating immigration, 1920."

It will be noted in this letter no provision is made for the release of this alien under bond. To the contrary, the instructions are to detain him until his deportation can be effected. The warrant for his deportation, dated July 24, 1919, reads as follows:

DEPARTMENT OF LABOR,
Washington.

FREDERIC C. HOWE,

Commissioner of Immigration, Ellis Island, New York Harbor:

Whereas, from proofs submitted to me, after due hearing before Immigrant Inspector in Charge Thomas V. Kirk, held at the Federal Penitentiary, Atlanta, Ga., I have become satisfied that the alien Paul Bosco, who landed at the port of New York, N. Y., ex-steamship *Kaiserin Auguste Victoria*, on or about the 15th day of January, 1911, has been found in the United States in violation of the act approved October 16, 1918, to wit: That he is an alien anarchist; that he believes in the overthrow by force or violence of the Government of the United States; that he believes in the overthrow by force or violence of all forms of law; that he advocates the overthrow by force or violence of all forms of law; and that he disbelieves in all organized government, and may be deported in accordance therewith;

I, John W. Abercrombie, Acting Secretary of Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to return the said alien to Russia, the country whence he came, at the expense of the appropriation "Expense of regulating immigration, 1920." You are directed to purchase transportation for the alien from New York to such point in Russia as you may designate at the lowest available rate, payable from the above-named appropriation.

For so doing, this shall be your sufficient warrant.

Witness my hand and seal this 24th day of July, 1919.

ACTING SECRETARY OF LABOR.

Exact copy as signed by John W. Abercrombie; mailed July 25, 1919.

Under the same date the formal notice of the issuing of said warrant of deportation was forwarded to the inspector in charge of the Immigration Service at Jacksonville, Fla.

Attention is again called to the fact that no bond was provided for in either the formal notice to the inspector at Jacksonville nor in the warrant of deportation. The formal notice referred to reads as follows:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington, July 24, 1919.

INSPECTOR IN CHARGE,
Immigration Service, Jacksonville, Fla.

SIR: The bureau acknowledges the receipt of your letter of July 15, No. 122/116, transmitting record of hearing accorded the alien Paul Bosco, who landed at the port

of New York, N. Y., ex steamship *Kaiserin Auguste Victoria*, on or about January 15, 1911. After a careful examination of the evidence submitted in this case, the department is of opinion that the alien is in the United States in violation of law. You are therefore directed to cause him to be taken into custody and conveyed to New Orleans, La., the expenses incident to such conveyance, including the employment of an attendant to assist in delivery, if necessary, at a nominal compensation of \$1 and expenses both ways, being authorized, payable from the appropriation "Expenses of regulating immigration, 1920."

Upon his release from prison by the proper authorities the alien should be taken into custody and conveyed to New Orleans, La., for detention until his deportation can be effected.

For the Commissioner General.

Exact copy as signed by Alfred Hampton, mailed July 25, 1919, by ———, Assistant Commissioner General.

Approved.

Exact copy as signed by John W. Abercrombie.

Mailed July 25, 1919, by acting secretary. Inclosed W. D. No. 2407.

Under date of July 24, 1919, an official copy of the warrant of deportation was sent to the commissioner of immigration at Ellis Island, N. Y., together with a memoranda reading as follows:

Official copy to the commissioner of immigration, Ellis Island, N. Y., for his information. The alien will be conveyed to your port at such time as the necessary arrangements have been made, by an officer detailed by the commissioner of immigration at New Orleans, La., to whom advices should be forwarded at the proper time. The alien is at present confined in the Federal penitentiary at Atlanta, Ga., but will be released in about three weeks, at which time he will be conveyed to New Orleans for detention until his deportation can be effected. No foreign address is given.

Under date of July 28, 1919, the inspector in charge at Jacksonville, Fla., addressed the following letter to the commissioner of immigration:

Referring to bureau letter of the 24th instant, No. 54616/242, directing that the alien Paul Bosco be conveyed to New Orleans for detention until his deportation can be effected, it is observed that the department warrant in the case of this alien, date and number as given above, is issued to Frederic C. Howe, Commissioner of Immigration, Ellis Island, New York Harbor, N. Y.

It is thought at this office that the direction that the alien be conveyed to New Orleans for detention, until such time as he can be deported, is due to congestion at Ellis Island, but as the letter directs that he be conveyed to New Orleans and the warrant is issued to the commissioner at Ellis Island, it was thought advisable to call attention of the bureau to this matter, in order that the bureau's intentions will be carried out when the alien is conveyed to New Orleans for detention.

This letter was replied to by the commissioner of immigration under date of August 4, 1919, as follows:

Replying to your letter of the 28th ultimo, No. 122/116, relative to the case of Paul Bosco, you are requested to arrange with the commissioner of immigration at New Orleans to send an officer from his station to Atlanta for the purpose of taking the alien into custody upon his release from the Federal penitentiary, and conveying him to New Orleans for detention until his deportation to Russia can be accomplished. The expenses will be payable from the allotment for your district.

Under date of July 30, 1919, the inspector in charge at Jacksonville, Fla., addressed the following communication with reference to this case to the Commissioner General of Immigration:

Referring to department warrant of deportation in the case of the alien Paul Bosco, No. 54616/242, dated July 24, 1919, and to letter from the bureau to this office bearing the same date and number, directing that the alien be conveyed to New Orleans for detention until such time as he can be deported, I desire to suggest, inasmuch as the work at this office is very much congested at this time, that we would appreciate it if the bureau can arrange for Inspector Joseph H. Wallis, New Orleans, La., to take charge of this alien at the expiration of his prison sentence and convey him to New Orleans for detention until deportation can be effected.

For information of the bureau I will state that I know this arrangement will be perfectly satisfactory to Mr. Wallis, and I may further state that it will be less expensive for Mr. Wallis to proceed from New Orleans to Atlanta and return than it will be for this office to detail an officer from Jacksonville for the purpose outlined.

Under date of August 6, 1919, the Commissioner General of Immigration addressed the following communication to the commissioner of immigration at New Orleans:

1. Please arrange to have Inspector Joseph H. Wallis proceed to Atlanta, Ga., upon receipt of advices from the Jacksonville office, for the purpose of taking into custody and conveying to New Orleans for detention the alien Paul Bosco, who is now confined in the Federal penitentiary at Atlanta and will be released in about three weeks.

2. The expenses incurred by Inspector Wallis in making the trip will be chargeable to the allotment of district No. 7.

And under the same date, August 6, addressed the following communication to the inspector in charge at Jacksonville, Fla.:

Replying to your letter of the 30th ultimo, No. 122/116, relative to the case of the alien Paul Bosco, who is now confined in the Federal Penitentiary at Atlanta, Ga., you are advised that Inspector Joseph H. Wallis, New Orleans, La., has been directed to proceed to Atlanta, upon receipt of advices from your office, for the purpose of taking the alien into custody and conveying him to New Orleans for detention.

Under date of September 29, 1919, the inspector in charge at Jacksonville, Fla., addressed a letter to R. H. Marr, attorney at law, New Orleans, inclosing a copy of same to the Bureau of Immigration. This letter reads as follows:

Replying to your letter of the 27th instant, I have to advise that the case of Paul Bosco, so far as this office is concerned, is closed.

For your information I will state that the alien had ample opportunity to secure an attorney at the time of his hearing and waived his right thereto, stating he did not regard it necessary for him to have an attorney.

A copy of same was transmitted to the Bureau of Immigration with a letter dated September 29, 1919, from the inspector in charge at Jacksonville, reading as follows:

Referring to bureau letter of August 6, 1919, No. 54616/242, and to warrant of deportation dated July 24, 1919, bearing the same number, in the case of the alien Paul Bosco, I have to advise that this alien, upon the expiration of his sentence in the United States penitentiary at Atlanta, Ga., was taken into custody by Assistant Commissioner Joseph H. Wallis, of New Orleans, La., and conveyed to the immigration station at New Orleans for detention pending deportation. The alien is now detained at that port.

This office is just in receipt of a letter dated New Orleans, La., September 27, 1919, written by R. H. Marr, attorney at law, 1020-1021 Hennen Building, which reads as follows:

"The United States Civil Liberties Bureau has asked me to look into the case of Paul Bosco, held here for deportation. I shall be pleased if you will be kind enough to furnish me with the reports in the case."

As this alien was given ample opportunity to secure an attorney at the time of his hearing but waived his right to do so, I think the matter, so far as any lawyer is concerned, should be regarded as closed; however, if the bureau directs, I will furnish Attorney Marr with the record in the case. Copy of my reply to Mr. Marr's letter is inclosed herewith.

In addressing the letter to attorney Marr, the inspector in charge at Jacksonville was following a long standing custom or regulation of the Immigration Bureau to the effect that the Immigration Service could recognize only an attorney whom the alien had gone on record as desiring to appear in his behalf. The custom or regulation in a case of this kind wherein the attorney claimed to have been retained by some outside sources in behalf of the alien had, until

recently, been to advise the alien of his right to counsel, but that such and such an attorney had claimed to be retained by such and such a party in his behalf and in the event the alien then went on record as desiring said attorney to represent him, to recognize that attorney, but otherwise he was not to be recognized in the case.

Recently a new regulation with reference to attorneys has been issued, but even in this new regulation the alien has somewhat to say as to who shall or who shall not represent him. A regulation was also issued to the effect that it was unnecessary for an alien to have more than one attorney and unless it were members of the same firm, not more than one attorney should be recognized and that before any attorney, not a member of the same firm, could be recognized, and particularly in a deportation proceeding, the attorney first recognized must have gone on record as withdrawing entirely from the case. Special attention is called to this regulation with reference to attorneys (an effort will be made to obtain copies of same) in order that the correspondence which followed in connection with the Paul Bosco case may be more readily understood.

Under date of September 30, 1919, on a letterhead of the National Civil Liberties Bureau, 41 Union Square, New York, a letter was addressed to Hon. John W. Abercrombie, Acting Secretary of Labor, by Walter Nelles, listed as counsel for the before-mentioned organization or society. This letter bears the indorsement in ink to the effect that it was referred October 1, 1919, to the Bureau of Immigration by Acting Secretary Abercrombie, and reads as follows:

{National Civil Liberties Bureau, 41 Union Square, New York. Officers: J. Hollingsworth Wood, chairman; Normal M. Thomas, vice chairman; Helen Phelps Stokes, treasurer; Albert De Silver, director; Paul J. Furnas, associate director; Walter Nelles, counsel. Directing committee: John S. Codman, Crystal Eastman, John Lovejoy Elliott, Edmund C. Evans, Edward W. Evans, William A. Fineke, John Haynes Holmes, Agnes Brown Leach, Judah L. Magnes, John Nevins Sayre.}

—SEPTEMBER 30, 1919.

HON. JOHN W. ABERCROMBIE,
Acting Secretary of Labor, Washington, D. C.

DEAR SIR: Paul Bosco, an alien who is to be deported to Russia via New York, is now being held at the immigration station at New Orleans. A correspondent there advises us that he can not be admitted to bail except by order from your office at Washington. I assume that in this case, as in others of Russians where deportation will not be practicable for a considerable time, bail will be permitted. If you will make the order, I should be greatly obliged if you will let me know that you have done so. If any particular showing must be made before bail is granted, will you not let us know its nature?

Yours, very truly,

WALTER NELLES.

The National Civil Liberties Bureau was brought into being by radicals of the Roger Baldwin type for the purpose of assisting men to evade the selective-service act. Baldwin, one of the organizers of the "bureau," was convicted and served about one year in a Federal penitentiary for violating the selective-service act. This group of radicals was particularly active in and about New York City and manufactured a multitude of "conscientious objectors," going so far as to furnish legal advice.

Under date of October 10, 1919, Charles Recht addressed the Commissioner General of Immigration as follows:

I appear for Paul Bosko, who is now held at New Orleans, awaiting deportation to Russia.

As the department is not now in a position to return people to Russia, I would appreciate it if you would fix a reasonable amount, say \$500, as bail for this man, and so instruct the department at New Orleans, until such time as his deportation can be effected.

This letter bears a footnote in pencil reading as follows:

Miss Weiss called at bureau and advised alien's friends have now raised \$500 for bond. Consider advisability his release on bond on this or larger amount.

W. J. P.

The Miss Weiss referred to in footnote is Rose Weiss, an attorney in the law firm of Charles Recht, the latter, it will be remembered, is the same attorney who appeared with Caroline Lowe before the Bureau of Immigration in the cases of aliens brought from the Pacific coast to Ellis Island and later released.

Charles Recht is recognized in and around New York as attorney for many anarchists, I. W. W.'s, Communists, and antigovernment organizations. Recht was appointed chief counsel and legal advisor for Ludwig K. C. Martens, which position he holds to date.

Going back to Recht's letter of October 10, which has been quoted, special attention is called to the language used. He says, "I appear for Paul Bosco." He does not say that he was retained by Bosco, nor does he say who authorized him to appear in this alien's behalf. If all the regulations with reference to attorneys, issued by the Department of Labor, had been followed in this case, Recht could not and should not have been recognized as attorney for Bosco. That he was recognized as attorney, however, is shown by his letter of October 27, 1919, to the Commissioner General of Immigration, reading as follows:

Some time ago I made application for the fixing of bail in the case of this alien who is held at New Orleans awaiting deportation to Russia. As it is not likely that this deportation can be effected for some time, it would be advisable to fix bail at a reasonable sum. The friends of this alien have raised \$500, which under all the circumstances might be accepted in this case.

And the reply thereto under date of November 1, which reads as follows:

In response to your letter of the 27th ultimo, making application for bond in the case of Paul Bosco, now confined at New Orleans awaiting deportation to Russia, you are advised that the bureau will give the matter consideration within the near future and will inform you of its decision.

Special attention is called to this reply to Recht, wherein it is stated with reference to the request that Recht made, that bond be fixed in the Bosco case, that the bureau would give consideration to the matter of bond and would advise him later of its decision, thereby indicating that up to that time, November 1, 1919, no change had occurred in the original policy adopted at the time of the issuing of the warrant of arrest for Bosco with reference to this admittance to bond. Under date of November 7, 1919, Recht again addressed the Commissioner General of Immigration on the subject of bond for Bosco, his letter reading as follows:

Will you please advise us of your decision in regard to the release on bail of Paul Bosco, and oblige?

This letter evidently was not answered, and under date of November 26, 1919, he again addressed the Bureau of Immigration on the subject, his letter reading as follows:

I should appreciate it if you would advise us as to your decision in the matter of fixing bail for Paul Bosco. We have not heard from you for some time concerning the matter and shall appreciate your reply.

Attached to this letter in the files of the Bureau of Immigration, on a separate piece of paper, is a memorandum which reads:

Mc. Why can't we bring this man on to Ellis Island? Rewrite memorandum and refuse mail [bail]. Initial "C."

The memorandum referred to in the foregoing note unquestionably referred to a memorandum for the Acting Secretary dated December 2, 1919, indicating that the facts concerning the alien in question were reviewed. This memorandum which was signed by the Commissioner General and approved by the Acting Secretary, specifically denied bond to the alien. The memorandum reads as follows:

The facts concerning this alien are reviewed in bureau memorandum indicated at marker, to which your attention is invited. He is now confined at the New Orleans' detention station awaiting deportation to Russia. His attorney, Charles Recht, requests that alien be released under bond in the sum of \$500 until such time as his removal from the country can be effected.

The evidence in this case shows that Bosco is considered a dangerous man, a menace to the community and not a fit person to be at large. As he is a citizen of Russia and is to be deported to that country, the bureau recommends that the request for bond be denied and that he be brought at once to Ellis Island and held there until his removal from the country can be effected.

Special attention is called to the last paragraph of this memorandum, which indicates that a decision to transfer this alien from New Orleans to Ellis Island until he could be deported had been reached. In following out this new policy, a telegram was sent the Immigration Service at New Orleans by the Assistant Commissioner General, under date of December 4, 1919, reading as follows:

By direction Acting Secretary join Paul Bosco to Russell party for conveyance to New York.

CAMINETTI.

(Signed.) ALFRED HAMPTON,
For the Commissioner General.

The same date Attorney Recht, of New York, was advised that the department had decided not to accept bond in the Bosco case. The letter from the Commissioner General to Attorney Recht reads as follows:

The bureau refers to your letter of November 26, and advises the department has decided not to accept bond in the case of Paul Bosco.

A memorandum concerning this case appears in the files of the Bureau of Immigration, and reads as follows:

1. Full name of person arrested: Paul Bosco.
2. Number of case (Bureau of Immigration files): 54616/242.
3. Date of warrant of arrest: June 20, 1919.
4. Charge upon which arrest was made: That he is an alien anarchist; that he believes in the overthrow by force or violence of the Government of the United States; that he believes in the overthrow by force and violence of all forms of law; that he advocates the overthrow by force or violence of all forms of law; and that he disbelieves in all organized government.
5. Date and place of arrest: June 25, 1919, Atlanta, Ga.
6. Disposition of case: Warrant of deportation to Russia at Government expense issued July 24, 1919. Transferred to New Orleans for deportation on release from United States penitentiary. Application for release on bond denied.
7. Status of case at present: Pending, awaiting deportation.

The Russell party referred to in the telegram of December 4, which was a pick-up deportation party, evidently took a different route from that intended, and the officer in charge at New Orleans so advised the bureau by wire, requesting instructions as to whether or not he

should deliver Paul Bosco to Ellis Island. Under date of December 19, 1919, he was advised by the bureau in a telegram to defer delivery of Paul Bosco to New York pending further instructions. Under date of February 27, 1920, one Harry Weinberger, who is recorded as counselor at law, 261 Broadway, New York, addressed a letter to the commissioner of immigration concerning the alien Paul Bosco. The letter reads as follows:

Will you kindly advise me in reference to the case of Paul Bosco, what the intentions of the department are in reference to him.

Will he be brought to New York for deportation, and if so how soon? Will time be given so that he may get clothes, and other necessities for deportation? Until the time of deportation, will any bail be fixed for him?

In reply to this letter the bureau addressed Weinberger under date of March 2, 1920. The letter reads as follows:

Referring to your letter of the 27th ultimo, you are advised that as you do not appear to be the attorney of record in the case of Paul Bosco, the bureau is not in a position to advise you of the status of this matter or to furnish you with the information called for in the last paragraph of your letter. The alien was represented before the Jacksonville, Fla., office by Attorney R. H. Mar, of New Orleans, and before the department by Attorney Recht, of New York City.

If satisfactory evidence is placed before the bureau showing that Attorney Recht has withdrawn from the case, the bureau will be glad to furnish you with such information from its file as you may desire and which it would be proper for it to furnish.

Special attention is called to the last paragraph of this letter which indicates that in so far as this attorney is concerned the regulations pertaining to attorneys in cases of this nature were being strictly adhered to.

LETTER OF MR. WEINBERGER.

Under date of March 2, 1920, Weinberger again addressed the the Bureau of Immigration, and particularly the Commissioner General of Immigration. His letter follows:

I have gotten a fairly full résumé of the papers in the case of Paul Bosco, now detained for deportation at New Orleans for more than six months.

I want to make certain requests in this case, and you may even consider them demands, as I feel that a palpable injustice has been done to this man. I desire complete stenographic copy of the evidence upon which his order for deportation was made. From his records, I understand, he is a Socialist and not an anarchist. In fact, he was arrested and convicted for distributing the Socialist pamphlet by Mr. Tucker, entitled "The Price We Pay." Mr. Bosco got out his first naturalization papers, and is willing to take out his second. He was a member of the Socialist Party, and a member of the American Flint Glass Workers' Union, and could get a job now as manager of the cutting department in the Weston (W. Va.) Glass House, Weston, W. Va., if he were released. Apparently the evidence on behalf of this man against his deportation was not properly presented to your department.

I ask, nay, even demand and insist, that his case be reopened; that bail be fixed at \$1,000 so that we can perhaps obtain the same, and the case transferred from New Orleans to New York, where I can handle the matter. Unless, of course, if you will look into this record again yourself, you will determine that the order of deportation should be canceled, and the man ordered released entirely.

I desire to be heard in this man's case. Of course, if he finally is deported, he should be ordered deported to Soviet Russia. It certainly is a peculiar situation where a Socialist who has filed his first application papers for citizenship should be deported as an anarchist, and in view of the fact that the individual is willing to file his application for final naturalization papers.

Does not your department realize that these cases come flooding in, and these calls for defense help from all parts of the country come to a few who are interested until it is almost hopeless to give aid or obtain justice or get the release of individuals who, without friends and without money, are simply caught in the juggernaut of your administrative machinery?

Continually I get partial evidence of your department, I presume unknowingly, being made an instrument to wreck vengeance of private individuals. I might mention two cases, the Chinese I. W. W. and the case of Rasmus Rasmussen.

Mr. Caminetti, I wish you would begin to realize that American justice the world around is being weighed through your department, and is being found wanting. I realize, of course, the flood of cases that your office has to handle. I realize that your machinery moves slowly, but it also grinds exceedingly small.

Let us have justice in this case. Fix bail at \$1,000, and let this man come out. Let me examine the record and let me submit an argument. Bosco is without funds and his health is broken. Apparently jails of America are to break the health of individuals as the wheels of old were to break their bones.

Wire me if you will fix bail at \$1,000 in this case, and will you wire New Orleans to send me stenographic copy of the evidence and the charges in this case.

Special attention is called to the demands made by Weinberger, as these demands will be commented on later in this memoranda. Weinberger's letter was not answered immediately and under date of March 8, 1920, he sent a telegram from New York City to the Immigration Bureau, which reads as follows:

Why the delay in decision Martinez, Perruchom, and Bosco cases? Send me letter of information.

Under date of March 9, 1920, the Commissioner General of Immigration addressed a letter to Weinberger reading as follows:

Answering your letter of the 2d instant, which has further reference to the case of Paul Bosco, I beg to reiterate the statement made in my letter to you of the 2d instant that since you have submitted no evidence to show that you have succeeded the attorneys of record in this case, the record will not be submitted to you for your inspection.

Observing the tone of your letter, under acknowledgment, the bureau may be permitted to state that a plain statement of pertinent facts you desire to present might do just as well as the style you seem to affect.

I advised you in my letter of the 2d instant (which letter you have doubtless received some time since) of the manner in which you should proceed if you are desirous of representing this case at this late stage. If you do not choose to follow this course, kindly advise the bureau to that effect.

It will be noted that the regulation with reference to attorneys is still being adhered to.

Under date of March 6, 1920, Charles Recht addressed the Commissioner General of Immigration with reference to Weinberger's appearance in the Bosco case. His letter follows:

This is to inform you that Mr. Harry Weinberger, of No. 261 Broadway, New York, has also been retained by Mr. Carl Bosco, who is held for deportation, as his attorney, to act in cooperation with me in his case. However, should there be any objection as to Mr. Bosco's having more than one attorney in this matter, it is agreeable to me that Mr. Weinberger hereafter be considered the sole counsel in this case.

Not hearing from you further on this matter, I shall take it that it is satisfactory that both Mr. Weinberger and myself shall be the attorneys for Mr. Bosco.

Under date of March 3, 1920, Weinberger addressed the following letter to the Commissioner General of Immigration in connection with this case:

I have asked Mr. Recht's office to write you a letter stating that I am one of the attorneys of Mr. Paul Bosco—as a matter of fact, his sole attorney.

I do not understand the authority of your department to state that only one attorney could represent an alien. As a matter of fact he is entitled to as many attorneys as anyone else who is brought into a proceeding or court. However, Mr. Recht's office will write you that I am one of the attorneys, or if necessary, that he has withdrawn.

Attention is called to the fact that Weinberger is questioning the authority of the department to make the regulation that it issued with reference to attorneys. Under date of March 10, 1920, Wein-

berger addressed another communication to the Commissioner General of Immigration with reference to the Bosco case. This letter reads as follows:

In re Paul Bosco, No. 54616/242, I beg to state:

First. That I understand that Mr. Charles Recht wrote your office stating that they are no longer attorney for Paul Bosco, but that I am. I understand he is writing again to-day.

Second. I beg to inform you that I have deposited with me \$1,000 to be used as bail for Mr. Bosco, and in view of the fact of his service of time in Atlanta Penitentiary, under the espionage act, and the long period of time that he has spent in the jail at New Orleans, I think that this bail should be accepted, and hope that you will authorize it to be deposited at Ellis Island.

Third. I further beg to state that if the case is opened, I have in my possession membership card of the Socialist Party of America of Paul Bosco, and of the Socialist Party of West Virginia, and affidavit of the Secretary to the same effect, and I will submit all this, with additional evidence, as the fact that he belongs to a union and has his first naturalization papers. I think that when the evidence is completed that your department will order him released and not deported, and hope therefore that you will order at once that bail be fixed at \$1,000, and that I be given an opportunity to submit the evidence in the case.

Fourth. If your records show that you have received authorization of the withdrawal of Mr. Recht and my substitution, that you send me copy of the record so that I may see what is necessary for this man's defense.

In the meanwhile, I hope you will deem it advisable to order Mr. Bosco's release on \$1,000 bail, and send me wire if that bail will be accepted. I will try to get in touch with Mr. Recht's office to-night to write or wire you that he has withdrawn as attorney for Mr. Bosco, and I am now his attorney, though as a matter of fact you don't as yet point to any rule which shows that a man can not have more than one attorney, and you have not supplied the record, I believe, to Mr. Recht.

Under date of March 12, 1920, Charles Recht addressed another communication to the Commissioner General of Immigration concerning this case and Weinberger's appearance therein as counsel. This letter reads as follows:

Recently I wrote you with regard to the case of Paul Bosco, and stated that I was quite willing to withdraw from the case in favor of Mr. Harry Weinberger, an attorney of this city. Mr. Weinberger tells me that such communication hasn't reached you, and I therefore take this occasion of repeating that statement to you.

Under date of March 19, Weinberger telegraphs the Commissioner General of Immigration as follows:

Will you fix bail one thousand Paul Bosco? Wire, collect.

Under date of March 16, 1920, Weinberger addressed another letter to the Commissioner General of Immigration complaining bitterly as to the bureau's action in this case. His letter follows:

In re Paul Bosco, No. 54616/242, I wonder why the machinery in this case moves so slowly?

Can not I have the records so that I might put in a defense for this man, and can not you come to an immediate decision and advise me that I can deposit \$1,000 in bail, which I have in my possession now for this man? Surely two years in jail, and more than six months down in New Orleans, ought to be enough of an appeal to give a quick decision to accept the bail.

Wire me if you will accept the bail. Advise me by mail when I may expect the record, so that I may put in a defense for this man.

Under date of March 19, 1920, Weinberger addresses another letter to the Commissioner General of Immigration complaining because no answers to these letters and telegram had been received. His letter follows:

I sent you to-day the following telegram:

"Will you fix bail \$1,000 Paul Bosco? Wire, collect."

I have \$1,000 in my possession deposited by relatives for bail of Mr. Bosco. I think, under all of the circumstances, bail should be fixed at \$1,000, and Ellis Island authorized to accept the same, and the case reopened. This man has been a long time in jail, and the facts call for immediate decision.

Under date of March 22, Weinberger addresses another letter to the Commissioner General of Immigration again complaining because his communications have gone unanswered. His letter follows:

I sent you the following telegram:

"Will you accept bail \$1,000 Paul Bosco. Wire."

I have \$1,000 bail ready for this man. Will you admit him to bail and order Ellis Island to accept same, and order the hearing continued in Ellis Island in reference to him?

This man has never had a proper defense, nor has his case been properly presented to your department. I am merely requesting simple justice on his behalf, and I am sure your department desires to do nothing but that. I feel that immediate action is desirable.

Under date of March 23, 1920, Weinberger addresses another telegram to the Commissioner General of Immigration, which reads as follows:

Will you accept bail \$1,000 for Paul Bosco? Wire.

Under date of March 26, 1920, Weinberger addresses another letter to the Commissioner General of Immigration renewing his demands in the Bosco case. His letter follows:

Can your department give any decision in the Paul Bosco case, now detained at New Orleans?

Apparently your department does not realize what it is to be in jail. I have made a simple request that his case be reopened, and that bail be fixed at \$1,000, so that this man can have a proper day in court.

Kindly give this your immediate attention. Delay in a decision sometimes is worse than injustice. It is almost a crime.

Under date of March 25, 1920, a letter was dictated and prepared for the signature of the Assistant Secretary. This letter was addressed to Weinberger, at New York, was submitted to the Assistant Secretary for his signature, was returned by the Assistant Secretary without signature to the Bureau of Immigration with the following notation in ink:

* Application of alien's attorney in letter of March 2, 1920, for reopening, transfer of hearing to Ellis Island, and release on \$1,000 bail is granted.

(Signed) LOUIS F. POST,
Assistant Secretary.

Another notation in ink in a different handwriting appears on this letter which was prepared and never sent, reading as follows:

Law Division, following instructions of Assistant Secretary, comply therewith. March 27, 1920.

C.

The letter addressed to Weinberger, but which was never sent, reads as follows:

In answer to your letters of March 16, 19, and 22, 1920, concerning the release of Paul Bosco, now detained at New Orleans awaiting deportation, you are advised that the department, after a careful review of the facts in his case, is unable to grant your request for his release under bond in the sum of \$1,000. In view of the activities of Bosco, leading up to his conviction and prison sentence of two years ago, and his general dangerous character, the department can not consider his release under bond in a sum of less than \$5,000.

A new letter was prepared for and signed by the Assistant Secretary under date of March 29, 1920. This letter which was sent to Weinberger reads as follows:

Referring further to the case of Paul Bosco, now detained at New Orleans, La., awaiting deportation, you are advised that your demand contained in letter of March 2, 1920, that this alien be released upon bond in the sum of \$1,000, is hereby granted. You are also advised that in compliance with your other demands, alien is to be transferred from New Orleans to New York at an early date, and that upon arrival at the latter city, the case will be reopened, and you will have an opportunity to fully represent your client.

Special attention is called to the fact that Weinberger's "demands" which have hereinbefore been referred to, are granted in each instance. In this connection it is deemed proper to call attention to the fact that the alien was ordered removed from New Orleans to New York at Government expense, there to be released on bond. The customary and proper procedure in a case of this kind, if they were granting the demands to fix bond in the sum mentioned, would have been to have the bond go to the commissioner of immigration at New York City and upon his report that said bond was satisfactory to have wired the commissioner of immigration at New Orleans that a satisfactory bond had been given and instructing him to release the alien from custody, in which case any new hearing in another proceeding arising from the reopening of the case would have then been held in New Orleans, the district in which the case originated; or in the event the alien or his counsel desired the hearing in some other district, the alien would have been obliged, therefore, to go to that district at his own expense and not at the expense of the Government.

The procedure in this case, however, was to grant all the "demands" of Weinberger and deliver the alien to whatever point was most convenient for Weinberger, as is shown by the letters that followed, viz: the letter to the commissioner of immigration at New Orleans, dated March 29, 1920, which reads as follows:

Referring to the case of Paul Bosco, your file No. 22050-15, you are directed to convey this alien to Ellis Island, New York Harbor, in connection with a deportation party which will probably leave Chicago, Ill., within a week or 10 days. You will be notified as to the exact date later.

Also a letter from the Commissioner General to the commissioner at Ellis Island, N. Y., under same date, which reads as follows:

In connection with the case of Paul Bosco, now detained at New Orleans, La., awaiting deportation, you are advised that this alien will be conveyed to Ellis Island shortly with a deportation party. Upon his arrival he is to be released on a bond of \$1,000 and his case reopened. Mr. Harry Weinberger will be the attorney in the case.

Weinberger, however, apparently was becoming uneasy that his demands were not acted on as speedily as he might desire, and under date of March 31 sent the following telegram to Louis F. Post, Assistant Secretary of Labor, Washington, D. C.:

Kindly wire New Orleans authority convey Paul Bosco to New York.

(Signed) HARRY WEINBERGER.

He followed this telegram up on the same date with a letter to Assistant Secretary Post reading as follows:

I sent you to-day the following telegram:

"Kindly wire New Orleans authority convey Paul Bosco to New York."

Will you kindly see that they get immediate authorization so that Mr. Bosco may be brought to New York as soon as possible and we can give bail here for him?

On the same date, March 31, 1919, he addressed another letter to Assistant Secretary Post, which reads as follows:

Thank you very much for your decision in the Paul Bosco case to allow him out on bail, and arrangement re reopening of case so that Mr. Bosco may have full opportunity to put in his defense.

Under date of April 1, 1920, Mr. Post addressed a letter to Weinberger again advising him in substance that all his demands had been granted. This letter reads as follows:

Replying to your telegram and letter of the 31st, I quote for your information my original decision upon the case, as follows:

"Application of alien's attorney in letter of March 2, 1920, for reopening, transfer of hearing to Ellis Island and release on \$1,000 bail is granted.

"I believe this covers the point raised in your telegram, as I understand it."

In order that Weinberger might not be disappointed, a telegram under date of April 6, 1920, was addressed to New Orleans, instructing that alien Paul Bosco be joined to the Russell party (a deportation party) leaving Chicago April 10, via the Nickel Plate Railway, giving the train number and hour of departure from Chicago.

Weinberger has appeared in numerous cases for I. W. W's, anarchists, Communists, and other brands of radicals, commonly calling themselves "Class War Prisoners," which means a radical arrested and charged with, or who has been convicted of the crimes of treason, syndicalism, sedition, etc. Some aliens have been turned over to him in his custody as their attorney by the Department of Labor. At least one of these he has been unable to produce when called upon to do so.

CASE OF ENRIQUE FLORES MAGON.

The Assistant Secretary has stated in his decisions on several occasions that the "task" of interpreting the law did not rest on his shoulders, but more often he has undertaken that same "task," and usually in favor of the alien and not in favor of the Government.

In the case of Enrique Flores Magon, bureau file 54861/116, he has gone further than to interpret the law. He has interpreted the alien's mind. He has interpreted, from what the alien said, what he should have said. He has interpreted from what the alien said he meant, what he should have meant. He has interpreted what "anarchy" is and what it is not. In doing so he has shown that fine understanding of the subject seldom found outside of a few of the better posted believers in the doctrine of anarchy. And the ideas advanced by him are the ideas and arguments invariably advanced by the better posted of the believers of the doctrine of anarchy, when they are placed on the defensive.

Magon is a Mexican. He was involved in revolutions in Mexico and fled to the United States to avoid punishment for his acts. With his activities in Mexico we are in no wise concerned and they should have no material bearing on the consideration of his case, although in passing on said case the Assistant Secretary lays great stress on same. His acts in the United States are more than enough on which to judge him.

After entering the United States the alien and his brother affiliated themselves with well-known and acknowledged anarchists. Eventu-

ally they located in California, where they published an anarchist paper in which many attacks on the Government of the United States were made. They were finally arrested by agents of the Department of Justice and convicted of violation of the postal regulations in connection with sending their paper through the mails. They were sentenced and sent to the Federal prison at McNeil Island, Wash. About the same time one of their most intimate associates, also a well-known anarchist, was sent to the same prison to serve a sentence. This man called himself Gen. Alexander Zen Zogg. The files of the Department of Justice will bear out the assertion that all three of these men, together with a number of other followers of the anarchist doctrine, had conspired to assist and encourage young men to evade the selective service act; also that they had been spreading the anarchist doctrine to the best of their ability. After the arrival of these three men at the McNeil Island prison they had on every visiting day numerous visitors from an anarchist colony situated near by, on what is called Lake Bay. This colony is commonly called "Home Colony" and is incorporated under the laws of the State of Washington under the name of "Mutual Home Association." It has long been an eyesore to the decent people in that section of the country, and many an effort has been made to get rid of it, but so far without success. A report concerning this colony of anarchists, the most of whom are aliens, was made in August, 1918. A copy of said report is on file in the Bureau of Immigration. The report reads as follows:

HOME COLONY.

In compliance with your verbal instructions, I submit herewith detailed report concerning anarchists living in and frequenting what is commonly known as "Home Colony." Home Colony is located on what is known as Lake Bay, situated on the west shore of Puget Sound, about 40 miles from Seattle. This colony was founded by some radicals over 20 years ago, and was styled "Mutual Home Association." Colonists have prospered very well as colonists go who start on nothing. But they have held persistent attitude of hostility toward laws, the United States Government, and morality. Typical, radical obsessions prevail throughout the colony. They have done much hard work, and the properties in their immediate township are pretty well cleared, housed, etc. The Mutual Home Association affairs now are in very doubtful financial condition before the State supreme court. Few of the characters residing there are openly active against the Government or war. But the colony forms a background for radicals of every breed. A rendezvous and general "get-away" for people of that type. There should be every reason to expect good citizenship and loyalty from the colony, considering their prosperity, the State and county expenditures on public roads, public schools, wharfage, breakwaters, etc., but, notwithstanding that, only one volunteer soldier from that colony so far. Their public school is used for every brand of radical propaganda, including a celebration which they held at the time President McKinley was assassinated. They are a quarrelsome people, always taking each other into court, and at the same time opposing the law. They will lie, cheat, steal, practice sabotage, and promote disloyalty if the opportunity presents. They were instrumental in hiding away the men later convicted of dynamiting the Los Angeles Times building, in Los Angeles. Up to a short time ago the colony consisted of approximately 500 persons. Lately a number have scattered, and some are working in the shipyards and at various places around this section of the country. At present the colony probably consists of approximately 250 to 300 inhabitants, the majority of whom are foreign born, and very few of whom have obtained final citizenship in the United States.

I am giving you the names of a number of the colonists and specific data regarding each one. This has been collected from time to time and for a period extending over a number of years, and every effort has been made to state facts only, and such conclusions and deductions as obviously followed.

Here followed a long list of names and history of each, which it is thought best not to quote as there is still some hope that eventually some action may be obtained in their cases.

It was from this colony that the visitors to the Magon brothers, Zen Zogg, and other anarchists confined in the prison at McNeil Island came, and these visitors kept the anarchists inside in touch with the outside world and their "comrades."

Enrique Flores Magon was eventually transferred from McNeil Island to the Federal prison at Leavenworth, and there a hearing on a deportation proceeding was accorded him, with a view to his deportation from the United States upon the expiration of his sentence. The record of that hearing speaks for itself, as do the summary and recommendation; likewise the decision of the Assistant Secretary of Labor and his interpretation of the word "anarchy" and the anarchist doctrine.

They read as follows:

UNITED STATES DEPARTMENT OF LABOR,
IMMIGRATION SERVICE,
401-402 SCARRITT ARCADE BUILDING,
OFFICE OF IMMIGRANT INSPECTOR,
Kansas City, Mo.

In re: Enrique Magon,
7671.

File No. 100/1259
54861/116

Record of hearing of Enrique Flores Magon, conducted by Warren E. Long, immigrant inspector, on March 18, 1920, at the Federal penitentiary, Leavenworth, Kans., pursuant to Dw 54861/116, dated February 7, 1920, signed by John W. Abercrombie, Acting Secretary of Labor. Recorded and transcribed by Elizabeth Cherry, clerk.

Present: Warren E. Long, immigrant inspector; Enrique Flores Magon, alien.

Alien sworn. Warrant read and each and every allegation therein contained carefully explained to alien, as well as the purpose of this hearing. There were now introduced in evidence at this hearing for the inspection of the accused alien and for proper consideration at this hearing office copies of the application for the warrant of arrest and documentary evidence upon which application for warrant was based, as follows:

1. Statement of alien made before Inspector Long on December 4, 1919. Alien then testified as follows (alien speaks English):

Q. You understand that you are under arrest by the United States Immigration Service?—A. Yes.

Q. Do you understand this warrant?—A. Yes; I understand everything.

Q. You are advised that you have the right to be represented by an attorney or counsel at this hearing under this warrant. Do you wish to be represented by counsel?—A. Yes. I would be glad to be represented by counsel.

Q. Who is your counsel?—A. I do not know, but I will have to select them; one of them will be Mr. Clarence Darrow, of Chicago.

Q. Can you arrange for him to be here?—A. I do not think that he can come here, as he is a very busy man.

Q. Are you now willing to proceed with your hearing under this warrant without being represented by counsel at this time?—A. Yes; with the understanding that I be allowed to reopen the case before the immigration officers.

Q. What do you mean by reopening the case?—A. I mean to go through my representatives and see if it is possible to avoid that I be deported into Mexico. I am not going to fight the case to remain in this country. If they do not want me, I do not want to stay. I do not want to be deported to Mexico.

Q. By "reopening the case" you do not mean that you shall have another hearing on the charges of the warrant?—A. All I want is just to avoid being deported to Mexico.

Q. What is your full name?—A. Enrique Flores Magon.

Q. Have you ever used any other name, pen names, or other names?—A. I have used pen names for my articles.

Q. How old are you?—A. Forty-three years old.

Q. Are you married?—A. Yes.

Q. What is your wife's name?—A. Mrs. Teresa V. Magon.

Q. Where does she live?—A. At No. 1120 East Twenty-eighth Street, Los Angeles, Calif.

Q. Have you any children?—A. Six children.

Q. Are they living with your wife?—A. Yes.

Q. What are their names and ages?—A. Esperanya, a girl of 15; Santiago, a boy of 13; Estella, a girl of 11; Pedro, a boy of 9; Jose, a boy of 7; and Enrique, jr., who is 3 years old.

Q. Where were these children born?—A. The first one in El Paso, Tex., and the rest in Los Angeles.

Q. What is your occupation?—A. By profession I am a writer and speaker, and by trade a millworker and whatever may come in the way; even a plain laborer when it is needed.

Q. You read and write English?—A. Yes.

Q. Where were you born?—A. In Mexico City, Mexico.

Q. Have you any relatives in Mexico at the present time?—A. God knows. When the revolution came—I do not know.

Q. When and where did you last enter the United States?—A. I entered the United States at the end of 1903 or beginning of 1904, but no later than January of 1904, through Laredo, Tex., and there is where I was inspected by the immigration officers.

Q. How did you enter?—A. On the train of the Mexican National Railroad.

Q. Were you examined and admitted by the immigration officials at that time?—A. They came to the train and examined us.

Q. You were examined by those officials?—A. They asked us questions and asked us if we had money.

Q. Were you individually asked?—A. Every one of us were asked.

Q. And you were admitted by the immigrant officer?—A. He said, "All right, boys, pass on," so I think that means admission.

Q. Who accompanied you?—A. My brother and two other men.

Q. What is your brother's given name?—A. Ricardo.

Q. Where is Ricardo Magon?—A. Here in this institution.

Q. Where did you go after you entered at Laredo?—A. I lived in Laredo for a time. Afterwards I was forced to go to San Antonio, Tex.

Q. Who forced you to go to San Antonio?—A. The hired assassins of Porfirio Diaz came after me to Laredo.

Q. How long did you stay in San Antonio, Tex.?—A. About 10 months.

Q. What did you do in San Antonio?—A. Published my paper, The Regeneration.

Q. Where did you go from San Antonio?—A. Once more we were forced to move, over to St. Louis, Mo.

Q. About what time did you reach St. Louis?—A. In about April of 1905.

Q. How long did you stay in St. Louis?—A. Until 1906, in the beginning of the year.

Q. What were you doing in St. Louis?—A. Still publishing the paper, until it was suppressed.

Q. When you were in St. Louis were you not arrested by the immigrant officers?—A. Not by the immigrant officers. They tried to molest, not me, but my brother, in 1907, in Los Angeles, but they found no grounds to go after him.

Q. You were not arrested by the immigrant officers in St. Louis?—A. I was arrested by the court in St. Louis, on account of libel.

Q. On what charge?—A. On account of a Mexican official from the State of Oaxaca. Q. Did he come to St. Louis?—A. He came away over to St. Louis, Mo., because he was spying on me. He was from Porfirio Diaz.

Q. Were you arrested?—A. Yes, I was arrested.

Q. On what charge?—A. On the charge of libel.

Q. They do not arrest for libel; they sue for libel?—A. He had me arrested and when he found he could do nothing, they turned me loose. Then they had a civil State court, and they took all our belongings.

Q. He won his case?—A. No. We proved that he was crooked.

Q. What was the name of the paper in St. Louis?—A. The Regeneration.

Q. Where did you go from St. Louis?—A. I had to travel up and down, because Porfirio Diaz, in order to get us, offered \$20,000 in order to get me across the line, and when I found that out the detectives were very hard on my trail and I had to run up and down, and I do not remember where I went. I went to many cities, to Detroit, back to Chicago, and many places; because they were not long in this country, and I was sure any trumped-up charge would let them take me into Mexico.

Q. Where did you finally locate permanently?—A. I located, for about eight months, in Los Angeles, Calif.

Q. In what year was that?—A. In 1907, until the middle of 1908; then I moved to San Francisco until September of 1910, when I came back to Los Angeles to get together with my brother and others who were released from Florence, Ariz. They were caught but I was not caught, and then Diaz tried to have them returned to Mexico.

Q. How long were they in the penitentiary in Arizona?—A. For one year and six months for violation of the neutrality law.

Q. Was such a warrant issued for you at the same time?—A. No; it was issued to them after many errors. The funny thing was they were caught without any warrant. The two detectives from Los Angeles were bribed by the Mexican Government because they discovered the hiding place of my brother and three other fellows and then the Government bribed these two officials in order to take into custody my brother and the other fellows and then to send them into Mexico as they had been doing before with many other people, by the hundreds; they have brought them into Mexico in that way. And then my brother and the other fellows, in order to save themselves, resisted the arrest and raised a noise; they started to shout robbers, murder, assassins, police, and make all the noise they could in order to call the attention of the neighborhood until they succeeded in getting a great crowd of people, and then they went to jail, in that way getting recognition of the populace; and they were taken to the city jail without charge at all until the next day for vagrancy; and later of resisting an officer; and later the charge of passing to this country and breaking immigration laws. They could not sustain that, and then they put up the charge of "violation of the neutrality laws."

Q. In 1910 you returned to Laredo?—A. I rejoined my brother at Los Angeles after they had finished their sentences.

Q. Then you resumed the publication of the Regeneration?—A. We resumed publication in September, 1910, and have been there engaged in publishing this newspaper until I came here.

Q. You have written articles for other papers?—A. I have written articles for other papers all over the world, not only in Mexico, but any place in the world.

Q. Who is the publisher of the Regeneration?—A. I was the editor and publisher.

Q. And such of the articles that appeared in this paper were written by you?—A. By me and my brother Ricardo.

Q. What are the aims and purposes of this paper, the Regeneration?—A. The aims and purposes of this paper are the overthrow of the Government of Mexico and in doing justice to the Mexican people.

Q. How is this overthrow to be effected?—A. In Mexico it is impossible to come to the polls, for all officialdom is corrupt; therefore, as there is no freedom at all, we had to resort to revolutionary means by armed force. Now, once a revolution is afloat, we have been teaching to the Mexican people not to lay down the arms until everything that has been taken away from them should fall back into their hands.

Q. This revolution you speak of is to be a forcible one, is it not?—A. It was to get Madero, Madero and myself came together and used our force for the overthrow of Porfirio Diaz.

Q. Your paper, the Regeneration, carried articles along political lines?—A. Along political, economical, and social lines.

Q. In this paper and in other literature that is published by you, or over your signature, you have advocated anarchy?—A. I do.

Q. Do you believe in anarchy?—A. I do.

Q. You are an anarchist?—A. I am a communist anarchist.

Q. Give a concise meaning of your word "anarchist"?—A. By communist anarchism I believe the theory of having all the natural and social wealth as the property of all. That all may have absolute freedom from the political, social, and economic point of view; so that everybody would be free, equal, and brothers, regardless of sex, race, or color. Therefore, my creed is that of assuring to everybody the right of working and enjoying to the full profit of that labor, and so to insure for everybody the right of living and enjoying life.

Q. Your conception of government is then without any political form?—A. It has political form. From the moment you vote it has political existence. If you want I will describe my form of government so there will be no mistake. My form of government would be in general lines as follows: Organization of the individuals in their several works. From there in every town; from every town to every region; and from every region to what we call now national organization to form a kind of republic. When other countries follow suit, then it will be an international.

Q. This organization along the lines of work means industrial democracy?—A. It is not absolutely that, because we could not call an industry as agriculture work.

Q. You would not call agriculture an industry?—A. No; it is simply a course both of them have to go through. Therefore I say I do not specify industry; just work, any kind of work it may be.

Q. The government would be organized along the different lines of industry?—A. Every center of human activity will have its own representatives who will form a kind of congress. You may call it "soviet" or "municipality," as in Mexico. It is very much like the soviet form of government, though not exactly.

Q. Are you familiar with the manifesto of the third international?—A. To a certain extent. I have not read all of it, only excerpts of it.

Q. Are you in favor of the principles as laid down by this manifesto as far as you have examined it?—A. I am in favor of having such country to follow the sentiments of the majority of its inhabitants; for instance, I am perfectly sure that among the Mexican people whose traditions, etc., are much similar to the Russian traditions and customs, I am sure that that in Mexico would be accepted or asked for or advocated by the large majority in a form of government much along the lines of the soviet form of government. Now, in other countries this form of government could be either accepted or not accepted; therefore I believe that every country should go according to their own temperament and characterization, etc. It is impossible to give everybody the same brand.

Q. How many subscribers had you for "The Regeneration" paper?—A. 22,000.

Q. How many readers?—A. You may multiply them by 20's because many papers go from hand to hand and are read in groups.

Q. How did you maintain funds?—A. The same readers of the paper helped me to distribute those papers.

Q. This paper was only maintained on a business basis?—A. Yes. It had a set price for those who would pay the subscription, and in the beginning it was that way; and later on as many friends insisted on sending in more and others would like the paper, so we changed and took anything they would send.

Q. Your brother was associated with you in the publishing of this paper?—A. Yes.

Q. Your wife also assisted you?—A. My wife also assisted me.

Q. Their views are with you?—A. Identical to mine, all of them.

Q. Were you not also connected with some organization that had groups in Western States, California, Arizona, or New Mexico, called the Mexican Liberal Party?—A. I was the treasurer of the organizing board or punta of the Mexican Liberal Party.

Q. Who were the other officers of this organization?—A. My brother and several others.

Q. Where were the headquarters?—A. Los Angeles. The headquarters in fact were the offices of this newspaper.

Q. Do you know how many local groups were formed belonging to this organization?—A. Very many.

Q. What territory did they cover?—A. All parts. Any place. Any sympathizer of the Mexican revolution could form a group.

Q. What was the purpose of this organization?—A. To educate the people in the aims of the Mexican Liberal Party.

Q. Were you not one of the founders of this party?—A. Yes. One of the founders from Mexico City from many years ago. It was formed several times.

Q. Now, you in your capacity as an organizer addressed different groups, expressing your views to the members of these groups?—A. Yes; because it was a vital question for the Mexican people. It is a question of life and death for the Mexican people. So I was not going to keep my mouth shut when they are interested in this question.

Q. Do you know of the existence of a group in Morenci, Ariz.?—A. I know of a group, but this group, as far as I understand, did not belong to my special organization. It was not a group of the Mexican Liberal Party. All of the groups of the Mexican Liberal Party has the general title of Grupo Regeneration. They may have put another name to distinguish one from another of those groups at Morenci.

Q. Did you know one Juan Villanueva?—A. I know of a man by the name of Jose or Angel Villanueva.

Q. Do you know of a member of the Morenci group named Juan Villanueva?—A. No.

Q. Did you know Crecensio Lopez Aguilera?—A. No.

Q. Do you know Camillo Munoz?—A. I have not yet to know him.

Q. Do you know Jesus P. Barragan?—A. I have the idea but I could not say that I know him.

Q. Can you recollect having any correspondence with any of these people whose names I have mentioned?—A. I may have, but I do not remember. It is very hard to remember any correspondence. From correspondence with thousands of people I could not remember many. Only those who wrote many times. For instance, subscriptions for the paper I could not remember.

Q. Did you as publisher of the Regeneration issue hand bills headed "Organizing Body of the Mexican Liberal Party," a copy of which, the translation of same, I now hand to you?—A. Yes, this is issued by me. Yes, it is mine.

Q. I will also introduce the record of the hearing accorded Juan Villanueva, and you can examine this entire record, but your attention is particularly called to the testimony on page 3, beginning on page 2, and on page 3, in which Villanueva is asked, "You know, do you not, that Ricardo Flores Magon, who is now in the Federal prison at McNeil's Island, Seattle, Wash.; and his wife, Maria B. Magon; his brother, Enrique Flores Magon; and Tomas Martines, are all anarchists?"—A. The whole world knows that they are anarchists."

Also, I introduce the statement of Cresencio Lopez Aguilera of September 14, 1919.

Q. Did you or your brother issue a pamphlet called "Carranza se Despoza de la Piel de Oveja" (Carranza throws off the sheep's skin).—A. Yes.

Q. Was this pamphlet issued from the Regeneration office?—A. It was issued from there.

Q. You indorse it?—A. I indorse everything said there.

Q. Your attention is directed to one paragraph of this, as follows: "Choose, brothers, government or anarchy. If you are for anarchy, adopt the principles announced in manifest of September 23, 1911, by the organizing body of the Liberal Party of Mexico?"—A. Yes; I recognize that.

Q. The record of hearing of Jesus Jose Barragan is also to be considered.—A. They say the same thing I do.

Q. This group was undoubtedly connected with the same group with which you were?—A. Perhaps it was connected with the same, because I think there are many groups all over this country. Groups of people who have the same ideas come together. Many of our people at the same time belong to the Mexican Liberal Party, and they belong to some other organizations.

Q. Have you examined the record of the statements and hearings I have just recently referred to?—A. Yes, sir; I have.

Q. Have you any statement to make as to that part of these records in which mention is made of your connection with the anarchistic groups?—A. I have nothing to say. I have a perfect right to think as I want, as long as I do not commit a crime. An idea is not a crime.

Q. You are informed that an additional charge other than that contained in the warrant will be considered in view of the evidence given by yourself and in these records recently referred to, this being that you are an alien anarchist, and this hearing will also be on such a charge, as well as on those mentioned in the warrant. Are you a member of any organization outside of this Mexican Liberal Party?—A. No. Nor affiliated with any. This organization has groups of its own, but is not affiliated with other groups or societies. No. Just on the Mexican question. This organization to which I belong, the Mexican Liberal Party, is just for the Mexican Liberal Party, and I do not belong to any other organization.

Q. Your views on anarchy have been set forth in your paper and in your pamphlets and such have been issued in this country?—A. Yes.

Q. And this organization, the Mexican Liberal Party, holds and advocates the same views you hold personally?—A. Yes.

Q. In fact, you are largely responsible for such ideas as are being scattered, or the policy of this organization?—A. I take the whole responsibility of it.

Q. Do you know whether your brother has been served with a warrant under deportation proceedings?—A. I do not know. I have very poor means of communication with him, because he is in another cell house and it is very seldom we meet. It is very difficult here to come together.

Q. Can you give me the names of some of these pamphlets that have been published other than your brother's pamphlet, "Carranza Throws off the Sheep's Hide"?—A. There has been the manifesto of the Mexican Liberal Party.

Q. Is this manifesto quoted in this?—A. It is not quoted. That is just the gist of it all. The manifesto is addressed to the Mexican people.

Q. When were you arrested and sentenced to this penitentiary?—A. I was arrested on February 18, 1916, in Los Angeles, and then I was sent to jail and sentenced on June 22, 1916. I appealed the case to the appellate court in San Francisco, and later on I appealed the case to the supreme court. I stayed on bond two years, until the 16th of May, 1918, when I was notified by my lawyer that the supreme court did not want to consider my case, and hence I had to come to prison. Then, on the following day, May 17, 1918, I walked to the marshal's office and told them what I knew by my lawyer and gave myself arrested, to be taken to this penitentiary.

Q. What was the formal charge against you for which you were sentenced here?—A. The technical charge of it was, "Mailing unmailable matter."

Q. What particular matter was referred to in this charge?—A. To all my writings, and in particular picking out three articles from them. Three articles in my paper in which we urge the Mexican people not to lay down the arms, but continuing fighting against Carranza until everything that had been taken away from them should fall back into their hands. These writings were construed by the court thus: From the moment that the writings of these men (my brother and myself) preaching revolution; these writings may bring into the minds of the readers ideas of murder, arson, and assassination. Therefore, writings of these men as "obscene." That is the wrong word. That is why I appealed the case. It is wrong to call it obscene when it is revolutionary. If that was the charge, using the mails to mail obscene matter, that is what is the matter. My brother got very angry and took it at his own expense to the supreme court, and the supreme court did not want to hear the case and sent it to the appellate court, and they decided it was "obscene."

Q. This matter that was presented to the court when you were arrested was articles that you had sent through the mails, published by this organization of which you were one of the leaders, and this literature expounded your views upon government?—A. Yes, sir; it did.

Q. How long have you been identified with the Mexican Liberal Party?—A. Almost 25 years. I was first connected with it in Mexico City, in Mexico.

Q. Were you ever arrested in Mexico?—A. Once and again, but never convicted.

Q. On what charge were you arrested?—A. Always political charges, as against Porfirio Diaz.

Q. You spoke previously of a reward being offered for you by Porfirio Diaz?—A. Yes.

Q. What would be the attitude of the present Government in Mexico if you were deported?—A. The attitude of the present Government in Mexico if I were deported would be that I would be shot down.

Q. You feel certain that if you were deported that you would be arrested?—A. I feel certain of the fact. Many men belonging to my organization in Mexico have been shot just for that; and besides many people who have been found with this paper in his pocket have been shot only for that reason alone. They have been branded as "Magonistas," and for being "Magonistas" they have been shot.

Q. Is there any particular portion of Mexico where you feel sure that your life would be safe to-day?—A. Right now I do not find any place at all, for the reason that all the ports of entry are in the hands of Carranza. The only place I would be safe would be in the interior, perhaps; in the State of Puebla. It is in the hands of one of the Regulars that I know is against Carranza.

Q. Are any of the leaders in Mexico in sympathy with your organization?—A. Some of them are in the organization, but at present since I have been here things have changed, and many of my fellow workers are in the grasp of the revolution, and right now I do not know who I may believe and who I may not. I have missed out for two years. Now, in any other country, I feel sure that I would not be arrested; first, because of my beliefs; and second, because I have attacked many of the administrations of the Latin Republics; for instance, the administration in Cuba, San Salvador, Peru, Guatamala, and all of those little Republics, and large ones, too, who have a Porfirio Diaz of their own, and so I have gone after them.

Q. Have you attacked the Government of the United States also?—A. In some respects I have. I have criticized the Government of this country, mainly in their support of the Mexican revolutionary leaders, who do not represent the people of Mexico; for instance, they supported Villa, and they now support Carranza; and that is why I am here on the "funny" charge, as it if was obscene literature. On that account I have criticized your Government, as I think I have a perfect right to do it.

Q. Have you ever applied for citizenship papers in this country?—A. No, sir.

Q. You are a citizen of Mexico?—A. Neither. I am not a Mexican citizen.

Q. What is your country?—A. I have none.

Q. While here you have lost your Mexican citizenship?—A. There is a law in Mexico by which any native or citizen, going to a foreign country, should reaffirm his citizenship within the 10 years of absence. I have failed to do so, and hence have lost my citizenship in Mexico. The only place where I could go is Russia, for in that country, as far as I am informed, no man is persecuted on account of his ideas.

Q. Have you any further statement to make to show cause why you should not be deported?—A. If I am not allowed to remain in this country I should like to be sent to Russia, together with my whole family.

Q. In the event you are ordered deported, you feel that it would be the wish of your wife and family to accompany you?—A. They would wish to go with me.

(The statement of the alien made on December 4, 1919, before Inspector Long was presented to the alien.)

Q. Is there anything materially wrong with this statement?—A. No; nothing materially. It is practically a correct statement I made on that date and I have affirmed it in this statement.

At the expiration of your sentence here you have the privilege of securing release from custody on furnishing satisfactory bond in the sum of \$1,000.

Q. When does your sentence here expire? Minimum term?—A. September 10, 1920.

FINDINGS AND RECOMMENDATIONS.

From the evidence of record in this case I find that Enrique Flores Magon is an alien, namely, a citizen of Mexico.

That he has been found in the United States in violation of the immigration act of October 16, 1918, in that he is a member of or affiliated with an organization that entertains a belief in the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that advocated the overthrow by force or violence of all forms of law; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches opposition to all organized government; and that he is a member of or affiliated with an organization that entertains opposition to all organized government, and that he is an alien anarchist.

I therefore recommend that he be deported.

WARREN E. LONG,
Immigrant Inspector.

EXHIBIT 1.

ORGANIZING BODY OF THE MEXICAN LIBERAL PARTY.

The principles of the Mexican Labor Party are condensed in a declaration issued by this body under date of September 23, 1911:

The liberals know that all are human, from the sole fact that they exist, they have a right to eat, to live, to have a house, and to enjoy for himself and his, the earth, the waters, the forests, the mines, the factories, the shops, the railroads, and all other means of transportation, with one single condition: that of performing some useful work.

The liberals believe that the aged, the sick, and crippled, and the children, although they produce nothing, have an equal right to enjoy all the advantages offered by civilization in the same manner as the workers, both men and women.

The liberals wish all to share equally, and that each producer consume, not according to his ability, but according to his needs.

In order to get these good conditions the liberals struggle to wrest from the hands of the rich the land, the water, the forests, the mines, the factories, the shops, the railroads, and all other means of transportation, through force of arms, throwing everything into the hands of the poor that they may come to an understanding, and organize the free production and act as overseers for all classes.

The men and women who wish to see the Mexican Liberal Party triumph and who wish to become members can sign the coupon below and give help when they can, and when able to do so, for the expense of the party.

All men and women are equally invited to organize in their respective localities. Regeneration groups, that their members may study the problems that they have to solve as to the poor, and to collect funds amongst the members and sympathizers in general for the expenses of the party; when deemed advisable by the members these groups may be kept secret.

Any person may contribute his or her mite at pleasure regardless of whether or not they belong to the party, and members, as well as others, will notify us whether or not they wish their name published in the paper Regeneration, because there are persons that for some reason do not wish it to be known that they are helping the cause of land and liberty.

In order to organize groups formalities are unnecessary. It is sufficient that the men and women get together and work for the Mexican Liberal Party, in order that they may be installed as a group, naming a secretary to attend to the correspondence and the sending of money to the union at the following address: Enrique Flores Magon, P. O. Box 1236, Los Angeles, Calif.

The union hopes that every man and every woman belonging to the working class will adhere to the Mexican Liberal Party, which is the only one on earth that with ideas and action is working for the emancipation of the poor.

COUPON.

To the organizing body of the Mexican Liberal Party, post-office box 1236, Los Angeles, Calif.

If I am admitted to the Mexican Liberal Party, as a true member, I promise to be faithful to the interests of the working classes and taking unto myself the principles of equality for which we are fighting against the Government, capital, and the clergy.

Signature.....

Full name.....

Occupation.....

Resident of.....

Civil status.....

Street..... Number.....

I certify that the above is a correct translation from Spanish into English of a printed handbill, original copy of which is attached hereto.

SAMUEL T. WRIGHT, *Watchman.*

I hereby certify that the foregoing is a true and correct copy of translation of the printed handbill referred to above.

R. A. SCOTT,
Inspector in Charge.

EXHIBIT 2.

WARRANT HEARING.

UNITED STATES IMMIGRATION SERVICE,
MEXICAN BORDER DISTRICT,
Tucson, Ariz.

(Tucson file No. 1552/9.)

In the matter of Juan Villanueva, alias Juan Vilaneuva, arrested pursuant to departmental telegraphic warrant of arrest dated September 16, 1919.

Hearing held in the office of the inspector in charge, Tucson, Ariz., this 19th day of September, 1919.

Present: R. A. Scott, examining inspector; Samuel T. Wright, acting interpreter; William Feringer, stenographer. (Examination in Spanish.)

EXAMINING OFFICER to alien:

Q. There is now presented to you, Juan Villanueva, the warrant of arrest in your case, charging that you disbelieve in all organized government, and that you are an anarchist; also, the evidence upon which the warrant was issued, consisting of your statements made to me at Clifton on September 13 and 15, 1919, marked "Exhibit 1"; statement made by Carmen Orozco before me at Morenci, Ariz., of September 14, 1919, marked "Exhibit 2"; also copies of letters, books, pamphlets, etc., Exhibits "a" to "k," inclusive, incorporated in "Exhibit 1," heretofore referred to. The copies of letters and statements referred to are written in the English language, and will be read and interpreted to you by the acting Spanish interpreter, if you so desire. Do you desire that they be read to you?—A. I desire only to hear read the statement of Carmen Orozco. (Statement of Carmen Orozco read and translated to the alien).

Q. You know the contents of the books and pamphlets, as they were taken from your possession?—A. Yes.

Q. You are advised that you are entitled to be represented by counsel at this hearing. Do you desire to avail yourself of this right?—A. No; I don't wish a lawyer.

Q. You waive your right to be represented by counsel at this hearing?—A. Yes.

Q. You are advised that you may be released from custody during the pendency of these proceedings upon furnishing satisfactory bond in the sum of \$1,000. Do you desire to furnish bond in the amount stated?—A. I can not give bond.

You will please be sworn.

The alien, being first duly sworn, testified as follows:

My name is Juan Villanueva; I am 30 years old; I was born in Paso de Sotos, Mexico; I am a citizen of Mexico, and of the Mexican race; I last entered the United States at the port of El Paso, Tex., on September 26, 1918, my destination at that time being Morenci, Ariz., and my occupation being brakeman on ore train. In the United States I have a brother, Aurelio Villanueva, living at Jerome, Ariz.; in Mexico, my mother, Macedonia Garcia, wife, Serapia Jiminez, and my son, Alfonso, 5 years old, all residing in Paso de Sotos, Jalisco, Mexico.

Q. Are you the same Juan Villa who made a statement before me at Clifton, Ariz., on September 13 and 15, 1919?—A. Yes.

Q. Were the statements made by you at that time true?—A. Yes.

Q. You admit that you are an anarchist, and that you disbelieve in and are opposed to all organized governments?—A. Yes.

Q. Do you advocate or believe in the overthrow by force or violence of the Government of the United States, or all forms of law?—A. No.

Q. Do you believe in or advocate the assassination of public officials, or the unlawful destruction of property?—A. No, sir.

Q. You are advised that, in addition to the charges contained in the warrant of arrest in your case, you are charged with being an opponent of all organized government. Do you desire to make any statement with respect to this additional charge?—A. No; nothing to say.

Q. You recently received, did you not, through the post office in Morenci, Ariz., a number of copies of a publication called "Libertad y Justicia," the name of the publisher or the place of publication not appearing thereon?—A. Yes.

Q. Who sent these papers to you?—A. I don't know.

Q. Where did they come from?—A. I don't know.

Q. They contain anarchistic doctrines, do they not?—A. I didn't have time to read them.

Q. The following paragraph is taken from this paper, which is published in the Spanish language: "All the great crimes called war, epidemics, prostitution, ignorance, slavery, are the fruit of governments; and the electric chair, the gallows, the guillotine, military prisons, religion, official science to sustain them." Do you not regard that paragraph as somewhat anarchistic?—A. It may be.

Q. Isn't Pedro Kropotkins, whose name appears under one of the articles on the same page in this publication, anarchistic?—A. I don't know.

Q. You are advised that a copy of this publication will be forwarded with the record in your case. Do you desire to make any statement in that connection?—A. I didn't write these articles and have nothing to say about it.

Q. A bunch of these papers were mailed to you through the mails, however, were they not?—A. Yes, sir; I received them.

Q. And you intended to distribute them among other members of the group, did you not?—A. I intended to give them to anyone that wanted to read them.

Q. You know, do you not, that Ricardo Flores Magon, who is now in the Federal prison at McNeil Island, Seattle, Wash., and his wife, Maria B. Magon, his brother, Enrique Magon, and Tomas Martinez, are all anarchists?—A. The whole world knows that they are anarchists.

Q. You have recently written letters to, and received letters from, the three last-named persons, some of which letters received were read at the meetings of the anarchistic group at Morenci, Ariz., were they not?—A. Yes.

Q. You are advised that the evidence upon which the warrant of arrest in your case was issued has heretofore been forwarded to the Secretary of Labor at Washington, D. C., and will be considered by him, together with the record of this hearing, in arriving at a decision in your case. Do you desire to make any further statement concerning the said evidence, or to show cause why you should not be deported?—A. I do not wish to be deported; I have committed no crime. I am obliged to work to support my family.

Personal description: Height, 5 feet 11 inches, without shoes; eyes, hazel; complexion, medium; hair, dark brown; marks, scar right neck, under ear; upper lobe left ear pressed or flattened.

The medical examiner certifies the alien to be in good health.

Findings: It is found from the evidence that Juan Villanueva, the person made the subject of these proceedings, is an alien, a native and citizen of Mexico, and that he is subject to deportation for the following reasons, to wit: That he entered the United States from Mexico on September 26, 1918, at El Paso, Tex.; that he disbelieves in all organized government; that he is an opponent of all organized government; and that he is an anarchist.

Recommendations: It is therefore recommended that the alien be deported to Mexico, the country whence he came and of which he is a citizen. It is further recommended that action in the case be expedited and this office telegraphically advised, inasmuch as the alien is being detained at the expense of this service.

R. A. SCOTT, *Immigrant Inspector*.

I hereby certify that the foregoing is a true and correct transcript of the record of hearing in the above case as recorded direct on the typewriter.

WILLIAM FERINGER, *Typist*.

I certify the above to be a true copy of the record of hearing in this case, taken from the file of the Tucson, Ariz., office.

R. A. SCOTT, *Inspector in Charge*.

UNITED STATES IMMIGRATION SERVICE,
MEXICAN BORDER DISTRICT,
IN THE COUNTY COURTHOUSE,
Morenci, Ariz., September 14, 1919.

(Tucson, Ariz., file No. 1552/10.)

Statement of Crescencio Lopez Aguilera, relative to his right to be and remain in the United States:

Present: R. A. Scott, examining inspector; E. B. Sisk, special agent, Department of Justice; F. H. Carlock; J. Y. Ainsa acting Spanish interpreter (sworn). (Examination in Spanish.)

CRESCENCIO LOPEZ AGUILERA, being first duly sworn, testified as follows:

EXAMINING OFFICER to alien:

Q. What is your name, age, occupation, place of birth, and place of residence?—A. Crescencio Lopez Aguilera; age, 30; occupation, miner; born at Paso de Soto, Jalisco, Mexico; residence, Morenci, Ariz.

Q. Of what country are you a citizen?—A. Mexico.

Q. What family, if any, have you?—A. One child, a girl, Dolores Aguilera, born in Morenci, Ariz.; I was divorced from my wife, Carmer Provencio, on July 14, 1919.

Q. When and where did you last enter the United States?—A. In February, 1907, at El Paso, Tex.; I have not been out of the United States since.

Q. Were you inspected and duly admitted by immigration officers in February, 1907, in El Paso, Tex.?—A. Yes.

Q. Were you accompanied or alone at the time of entry?—A. Alone.

Q. I now introduce for incorporation in the record, copies, in English, of the following letters, which will be marked, respectively, "Exhibits A, B, C, D, and E": To Mr. Epitacio "Trias" (Los Angeles, Calif.), dated Morenci, Ariz., March 10, 1919, signed Crescencio L. Aguilera; to Epitacio "Frias" (Los Angeles, Calif.), dated Morenci, Ariz., April 19, 1919, signed Crescencio Lopez Aguilera; to Maria B. Magon, Los Angeles, dated Morenci, Ariz., April 20, 1919, signed Crescencio L. Aguilera; to Mrs. Maria B. Magon (Los Angeles, Calif.), dated Morenci, Ariz., April 22, 1919, signed Crescencio Lopez Aguilera; to Mrs. Maria B. Magon, Los Angeles, Calif., dated Morenci, Ariz., May 19, 1919, signed Crescencio Lopez Aguilera. The copies of the letters referred to will now be read to you and translated into Spanish by the acting Spanish interpreter to you. [Copies of letters read and translated and read in Spanish to the alien by the acting interpreter.] Did you write these letters?—A. Yes.

Q. How long have you been connected with this anarchistic group in Morenci, Ariz.?—A. Less than a year.

Q. Who got you to join this group?—A. No one.

Q. Where and about how often were the meetings of the group held?—A. The meetings were held at the houses of the different members in Morenci, Ariz., about every eight days.

Q. How many members usually attend the meetings?—A. About six to eight.

Q. What persons attended these meetings?—A. There was Juan Villanueva, myself, Jose Gutierrez, Carmen B. Barragan, her husband, Jesus P. Barragan, Camillo Munoz, Alvaro Fernandez, and a man named "Pascual," whose last name I don't know. That is about all that I remember.

Q. What did you do at these meetings?—A. We read and discussed books, dramas, and other literature, conforming to our belief.

Q. Anarchistic books?—A. Yes.

Q. Books like these taken from your room at the time you were taken into custody to-day (introducing books "El Hijo del Anarquista," Barcelona, Spain, Tomo 1 and 11; "Corazon de Obrero," Barcelona, Spain, Tomo 1 and 11; "Carranza se Despoja de la Piel de oveja por Ricardo Flores Magon"—The Son of the Anarchist, volumes 1 and 11; The Heart of the Laborer, volumes 1 and 11; Carranza Stole the Sheep's Hide, by Ricardo Flores Magon?—A. Yes.

Q. You are advised that these books will be introduced as evidence in this proceeding, and marked, respectively, "Exhibits F, G, and H." Since your divorce from your wife in July last, you have entered into a free love marriage with the widow of one Ricardo Bernalles, have you not?—A. Yes; because my first wife deserted me.

Q. You have never been married to the Bernalles woman according to the civil law or the ordinances of the church, have you?—A. No.

Q. At the time you were taken into custody to-day this woman was found in your house occupying your bed with you, was she not?—A. Yes.

Q. In other words she was recently taken by you as your free love wife in accordance with the anarchistic decree, was she not?—A. Yes.

Q. When and where was this free love marriage consummated?—A. Here in Morenci, in May, 1919; there was no group ceremony.

Q. This was before you had obtained your decree of divorce from your former wife?—A. Yes.

Q. The following excerpt is taken from the pamphlet "Carranza se Despoja de la Piel de oveja, por Ricardo Flores Magon" (Carranza stole the Sheep's Hide, by Ricardo Flores Magon), which pamphlet has been introduced in evidence, and which, it is noted, bears your name stamped thereon (English translation); "Government or Anarchy. Brother Laborers: Be convinced once and for all that humanity is divided into two social classes, that of the workers who produce all useful things and that of the exploiters, who are those declaring themselves owners of the land and all that comes from the hands of the workers. The interests of these two classes are antagonistic; there is no conciliation, because what benefits one of them, injures the other, and for this reason there must exist between the two social classes a war to the death, until the exploiting class, capitalists, bourgeois, proprietors, parasites, or whatever name you care to call them, disappears, and together with them will disappear the institution called government, that only exists to help the exploiting class, and the institution church, that has for its object the keeping in submission and obedience of the masses that they may not rebel against the rich and Government.

"In order to do away with the exploiting class it is only necessary to ignore the so-called property right and take possession for the community. This done, both government and church will disappear, as they will have no mission to perform. Then will anarchy have triumphed, also a system of economic, political, and social liberty for the individual; a system 'fixed on a fraternal and mutual respect basis'; the system of equality for the free and happy, a system where only the indolent will have no right to eat.

"Choose, brothers, government or anarchy. If you are for anarchy, adopt the principles announced in manifesto of September 23, 1911, by the Organizing Body of the Liberal Party of Mexico."

You, of course, knew that Ricardo Flores Magon, was an anarchist, did you not?—A. Yes.

Q. And you became a member of this anarchistic group in Morenci, Ariz., because you entertained belief in anarchistic teachings and doctrines?—A. Yes.

I hereby certify that the foregoing is a true and correct transcript in the above matter.

R. A. SCOTT,
Immigrant Inspector and Acting Stenographer.

I hereby certify that the above is a true copy of the record of hearing in this case. Taken from the file of the Tucson, Ariz., office of the United States Immigration Service.

WILLIAM FERINGER,
Junior Clerk (Stenographer).

TUCSON, ARIZ., October 13, 1919.

EXHIBIT 4.

WARRANT HEARING.

UNITED STATES IMMIGRATION SERVICE, MEXICAN BORDER DISTRICT,
Tucson, Ariz.

(Tucson file No. 1552/12.)

In the matter of Jesus Jose Barragan, arrested pursuant to departmental telegraphic warrant of arrest, dated September 25, 1919.

Hearing held in the office of the inspector in charge, Tucson, Ariz., this 27th day of September, 1919.

Present: R. A. Scott, examining inspector; Samuel T. Wright, acting interpreter; William Feringer, junior clerk (stenographer). (Examination in Spanish).

EXAMINING OFFICER to alien:

Q. There is now presented to you, Jesus Jose Barragan, the warrant of arrest in your case, charging that you are an anarchist; that you believe in the overthrow by force or violence of the Government of the United States; that you disbelieve in all organized government, and that you are an opponent of all organized government; also the evidence upon which the warrant was issued, consisting of your statement made to me at Globe, Ariz., on September 23, 1919, same being Exhibit A. The said evidence is written in the English language and will be read and interpreted to you, if you so desire. Do you desire that it be read to you?—A. Yes. (Statement read and translated to the alien by the acting interpreter).

Q. You are advised that you are entitled to be represented by counsel at this hearing; do you desire to avail yourself of this right?—A. No; I have no money to employ a lawyer.

Q. Then you waive your right to be represented by counsel at this hearing?—A. Yes.

Q. You are advised that you may be released from custody during the pendency of these proceedings upon furnishing satisfactory bond in the sum of \$1,000. Do you desire to furnish bond in the amount stated?—A. No; I can not give bond.

Q. You will please be sworn.

Alien, being first duly sworn, testified as follows:

My name is Jesus Jose Barragan; I am 31 years of age; I was born at Parral, Chi., Mexico; I am a citizen of Mexico, and of the Mexican race; I last entered the United States at El Paso, Tex., in 1910, I do not remember the month; my destination at that time was Morenci, Ariz., and my occupation, miner; in the United States I have a wife, Carmen Arselanes de Barragan, and two sons, Manuel, 16 years old, and Lorenzo, 11 years old; they were in Miami, Ariz., with me, and my oldest son Manuel is still there; my wife disappeared with my smallest son at the time of my arrest, and I do not know her present whereabouts; my father, Vicente Barragan, was living on Stanton Street, El Paso, Tex., six months ago, but I do not know where he is living now; my mother is dead; I also have Josefa Barragan de Mendez, sister, who, six months ago, was living on Stanton Street, I do not know what number, El Paso, Tex.; in Mexico, I have four sisters, residing in Santa Barbara, Chi., Mexico.

Q. Are you the same Jesus Jose Barragan who made a statement to me at Globe, Ariz., on September 23, 1919?—A. Yes.

Q. Were the statements made by you at that time true?—A. Yes, sir.

Q. You admit that you are an anarchist, that you disbelieve in and are opposed to all organized government? Is that correct?—A. Yes; I am an anarchist. I also disbelieve in and am opposed to all organized government.

Q. What means do you advocate for getting rid of the present forms of organized governments?—A. The workmen would need to study years and years to learn how.

Q. Could not the overthrow of existing forms of government be accomplished quicker by revolutionary methods?—A. I believe not. We don't believe in shedding blood.

Q. Do you advocate force or violence in overthrowing the present systems of government?—A. No, sir; neither by force nor violence.

Q. You do not believe in taking part in government as at present organized, do you?—A. Probably so.

Q. Would you care to exercise the right of suffrage, that is, the right of voting, in this country under the government now existing?—A. If I was a citizen, I would have to vote. I believe citizens of a country should vote whether they believe in the present form of government or not.

Q. How do anarchists propose to establish anarchy in the place of the different governments now existing?—A. It will be necessary for all to study and arrive at the same opinion that the anarchists have.

Q. Well, what will happen then?—A. I think then that everybody will have to work.

Q. But how will the form of government be changed?—A. I think the lands should be divided up among the poor people, as was in Mexico by Benito Juarez years ago.

Q. Would you advocate force or revolution as a means of accomplishing this result?—A. Not by violence.

Q. Was Ricardo Flores Magon formerly a member of the Morenci, Ariz., anarchistic group?—A. No; he was a teacher or chief of the anarchistic party to which we belonged.

Q. Did Enrique Flores Magon, said to be a brother of Ricardo Flores Magon, belong to the same anarchistic party?—A. Yes.

Q. Did the members of the Morenci group receive communications or literature from Enrique Flores Magon?—A. Yes, sir.

Q. In these letters and in this literature he advocated the anarchistic teachings of the group?—A. Yes, sir.

Q. Were similar letters received by the group from Maria B. Magon, said to be the wife of Ricardo Flores Magon?—A. Yes, sir.

Q. All three of the Magons, Ricardo Flores Magon, Enrique Flores Magon, and Maria B. Magon, were recognized by the group at Morenci as being anarchists, were they not?—A. Yes, sir.

Q. Have you any property in the United States?—A. No, sir.

Q. You are advised that the evidence upon which the warrant of arrest in your case was issued has heretofore been forwarded to the Secretary of Labor at Washington, D. C., and will be considered by him, together with the record of this hearing,

in arriving at a decision in your case. Do you desire to make any further statement concerning the said evidence, or to show cause why you should not be deported?— I believe I have a right to live in the United States; I have been here so long and my children were born here.

Personal description: Height, 5 feet 6 inches without shoes; eyes, dark brown, complexion, medium dark; hair, black, streaked with gray; marks, two red marks, one small and one about 1 inch long, middle of chest; black mole right side neck, several moles right cheek; pit marks nose and face; indistinct burn scar lower inner side right wrist.

The medical examiner certifies the alien to be in good health.

Findings: It is found from the evidence that Jesus Jose Barragan, the person made the subject of these proceedings, is an alien, a native and citizen of Mexico, and that he is subject to deportation for the following reasons, to wit: That he is an anarchist; that he disbelieves in all organized government, and that he is opposed to all organized government; it does not appear that the record sustains the charge contained in the warrant of arrest to the effect that the alien believes in the overthrow by force or violence of the Government of the United States, which charge was not contained, it is noted, in the telegraphic application.

Recommendations: It is therefore recommended that the alien be deported to Mexico, the country whence he came, and of which he is a citizen. It is further recommended that action in the case be expedited and this office telegraphically advised, inasmuch as the alien is being detained in the detention quarters at this station at the expense of the Immigration Service.

R. A. SCOTT,
Immigrant Inspector.

I hereby certify that the foregoing is a true and correct transcript of the record of hearing in this case.

WILLIAM FERINGER,
Junior Clerk (Stenographer).

I hereby certify that the above is a true copy of the record of hearing in this case, taken from the file of the Tucson, Ariz., office of the United States Immigration Service.

WILLIAM FERINGER,
Junior Clerk (Stenographer).

WARRANT—ARREST OF ALIEN.

UNITED STATES DEPARTMENT OF LABOR,
Washington.

(No. 54861/116.)

To: James R. Dunn, Inspector in charge, St. Louis, Mo., or to any Immigrant Inspector in the service of the United States:

Whereas from evidence submitted to me, it appears that the alien Enrique Flores Magon, who landed at the ——— an unknown port, on or about the 1st day of January 1904, has been found in the United States in violation of the immigration act of October 16, 1918, for the following, among other reasons: That he is a member of or affiliated with an organization that entertains a belief in the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law; that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches opposition to all organized government; and that he is a member of or affiliated with an organization that entertains opposition to all organized government.

I, John W. Abercrombie, Acting Secretary of Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to take into custody the said alien and grant him a hearing to enable him to show cause why he should not be deported in conformity with law.

The expenses of detention hereunder, if necessary, are authorized, payable from the appropriation "Expenses of Regulating Immigration, 1920." Pending further proceedings the alien may be released from custody upon furnishing satisfactory bond in the sum of \$1,000.

For so doing, this shall be your sufficient warrant.

Witness my hand and seal this 7th day of February, 1920.

(Impression of stamp—(Illegible).)

Acting Secretary of Labor.

DEPORTATION RECOMMENDED BY COMMISSIONER GENERAL.

APRIL 12, 1920.

(54861/116.)

In re Enrique Flores Magon; aged 43; native of Mexico; entered the United States at Laredo, Tex., about January, 1904.

Memorandum for the assistant secretary:

A departmental warrant issued in this case February 7, 1920, the same being in response to a formal request submitted by Immigrant Inspector at Kansas City, Mo., setting forth facts showing alien to be in the United States in violation of the act of October 16, 1918. He was accorded a hearing under the warrant at the Federal Penitentiary, Leavenworth, Kans., on March 18, 1920. He was advised of his right of counsel but did not avail himself of that privilege.

The record discloses that the alien is married, and that his wife and six American-born children are living in Los Angeles, Calif.; that by profession he is a writer and speaker, and by trade a millworker.

He testifies that he was born in Mexico City, Mexico, and was forced to leave there 16 years ago on account of his political activities, being an enemy of Diaz, who was then President of that country, and that later he was forced to remain in this country on account of being an enemy of Carranza. He states that he has been accused of inciting the Mexican people to take up arms against Carranza, and that he knows that any of his followers, or even readers of his papers, found in Mexico are murdered. He further states that he has been the publisher of the paper known as "The Regeneration," originally published in Mexico City, then in San Antonio, Tex., and finally resumed in Los Angeles, Calif., in 1910, where it was published up to the time of his arrest; that from St. Louis he was forced to travel in various parts of the country, as a reward of \$20,000 had been offered by Porfirio Diaz to anyone who would get him across the Mexican line. He states that the specific aims and purposes of this paper was the overthrow of the Government of Mexico and in doing justice to the Mexican people, and frankly admits that in this paper and in other literature published by him over his signature that he has advocated anarchy. He admits that he is an anarchist, and believes in anarchy, but amplifies by classifying himself as a Communist Anarchist, and states that by Communist anarchism he believes in the theory of having all the national and social wealth as the property of all, that all may have absolute freedom from a political, social, and economic point of view; so that everybody would be free, equal, and brothers regardless of sect, race, or color, and that, therefore, his creed is that of assuring to everybody the right of working and in enjoying to the full profit of that labor, and so to insure for everybody the right of life and enjoying life.

The alien also testifies that he is one of the founders of the Mexican Liberal Party, and an organizer and active propagandist for that party, the headquarters for which were the offices of his newspaper in Los Angeles, and that as publisher of the Regeneration he issued handbills, Exhibit 1, entitled "Organizing Body of the Mexican Liberal Party." This exhibit is purely anarchistic, and sets forth that the "Liberals" struggle to wrest from the hands of the rich the land, the water, the forests, the mines, the factories, the shops, etc., through force of arms, throwing everything into the hands of the poor, so that they may come to an understanding and organize the free production, and act as overseers for all classes. While he contends that the Mexican Liberal Party is aimed primarily at the overthrow of the Government of Mexico, the language employed in the handbills, clearly shows that it is an organization that comes within the purview of the act under which the warrant in this case was issued.

The alien is admittedly an anarchist, and the record throughout conclusively proves this to be so, and this fact caused the examining inspector to place the alien on notice that in addition to the charges contained in the warrant the charge of being an anarchist would be placed against him. The alien indicates that he will not fight deportation, but objects strenuously to being sent to Mexico, saying that he will surely be shot if placed across the border of that country, and for this reason he hopes that if he must be deported that he and his family will be sent to Soviet Russia.

The examining officer and the inspector in charge at St. Louis recommend deportation.

The evidence submitted and adduced establishes, and the bureau finds, that this alien is in the United States in violation of law, and is subject to deportation therefor, this on the ground, and it is so found, that he is an alien anarchist; that he believes in the overthrow by force or violence of the Government of the United States; that he believes in the overthrow by force or violence of all forms of law; that he disbelieves in all organized government; that he teaches the assassination of public officials; and that he teaches the unlawful destruction of property.

It is therefore recommended that the department issue its warrant for his deportation, on these grounds, such deportation to be to Mexico at Government expense, such deportation to become effective at the termination of his present sentence at Fort Leavenworth, Kans.

A. CAMINETTI,
Commissioner General.

Deport.

ASSISTANT SECRETARY.

CANCELLATION OF WARRANT BY ASSISTANT SECRETARY OF LABOR—DEFINITION OF WORD "ANARCHIST."

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, April 14, 1920.

Memorandum—

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: In re Enrique Flores Magon, No. 54861/116.

The alien is married and has six American-born children living in the United States. He is a native of and a political refugee from Mexico. If deported to that country in its present political condition he would doubtless be executed for political offenses, as he predicts. For this reason his deportation to Mexico on any ground whatever would be equivalent to a death sentence. It would contravene the long-established American principle regarding political refugees and would also conflict with the spirit of that expression of those principles which appears in the second proviso of section 3 of the Immigration Act of 1917. These circumstances, however, do not present themselves for decision unless the alien comes within the expulsion clauses of the act of 1917 or the supplementary act of 1918.

The warrant of arrest charges the alien broadly with membership in or affiliation with an organization made unlawful by the act of October 16, 1918. To these charges there was added during the hearing the charge that the alien is an anarchist, which, if sustained, would in itself bring him within the act of 1917 as well as that of 1918.

The membership charge rests upon alien's admitted connection with the Mexican Liberal Party—an organization supporting political and industrial revolution in Mexico. To sustain this charge under the immigration laws it must appear that the Mexican Liberal Party (1) entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States, or (2) of all forms of law; or (3) advocates or teaches disbelief in or opposition to all organized government; or (4) advocates the duty, necessity, or propriety of the unlawful assaulting or killing of officers of the Government of the United States, or of any organized government, because of his or their official character, or (5) that advocates or teaches the unlawful destruction of property.

It is not shown that the Mexican Liberal Party comes within any of those clauses. This organization appears to be an organization designed to revolutionize political and industrial conditions in Mexico. As such it may be violating American neutrality, as other organizations in this country often do; but it is not chargeable with a crusade against the Government of the United States, or all governments, or the lives of officials, or the existence of property, or all forms of law, or all organized government. Consequently, the charge that the alien is a member of an organization proscribed by the act of October 16, 1918, falls, and to that extent the warrant is cancelled.

The only remaining charge is that alien is an anarchist. In his testimony he calls himself an anarchist. If, then, the word "anarchist" as a mere word, regardless of its meaning or the alien's meaning in using it, is to determine the case, the alien must be deported; for the act of October 16, 1918, requires the deportation of "aliens who are anarchists."

But Congress must not have used the word anarchist as a "verbal brickbat" after one of the verbal fashions of the time. It must have meant something by which the word could be expanded into one or more definite significations. This is all the more certain since the term "Anarchism" has long had a well-defined meaning, not only in general political literature, but in standard encyclopedias and dictionaries. It is the name of a movement which originated with Pierre Proudhon, about the middle of the last century. Proudhon's anarchism predicated social order upon the self-control of free individuals, without governmental force. He asserted the extreme of an old American doctrine which is not yet forgotten, that "the best government is a government that governs least." Out of Proudhon's anarchistic or nongovernment

philosophy there sprang two principal schools of anarchism, the pacific and the militant, each with a variety of factions. The militant school is terroristic, its slogan "propaganda by deed." Its method and its activities in different parts of the world have doubtless given to the word "anarchism" that sinister significance which attaches to it in its uses as a vulgar epithet.

But in the interpretation of a legislative act, reasonable constructions must be given to this word as to all other words. Giving such a construction to the word "anarchist," as used in the immigration law, its broadest possible meaning would include on the one hand disciples of Leo Tolstoi, that famous and beloved advocate of the communistic simplicity of the early Christians, and on the other hand the advocates of "propaganda by deed," who with pistol, knife, or bomb would assault rulers and property owners. The alien in this case falls within neither category.

He describes his ideal of Government as follows: "Organization of the individuals in their several works; from there in every town; from every town to every region; and from every region to what we call now national organization to form a kind of republic." He would have "each country follow the sentiments of the majority of its inhabitants." In other words, he favors the American theory of peaceable government by the majority. To deport a believer in a Government as an anarchist because he calls himself one would be as absurd as refusing to deport a believer in anarchistic "propaganda by deed" if he called himself a Christian. Although the alien gives to his ideal of government the name of anarchism, his description of his ideal is not anarchistic. He is therefore not under the ban of the act of Congress of October 16, 1918, unless Congress intended to legislate against all forms of government except those that actually exist, including in the latter the most autocratic. This would be inconceivable of an American Congress.

The warrant is cancelled.

LOUIS F. POST,
Assistant Secretary.

CASE OF ALEX SNELLENBERG.

Regarding the case of Alex Snellenberg, bureau file No. 35012/656 the following comment may lead to a better understanding of the case, which originated in 1918, as follows:

A letter postmarked Seattle, Wash., unsigned, but bearing an address of the writer, addressed to a party in Mexico, was intercepted by the postal censors and translated. The contents speak for itself, a copy being hereto attached, and shows that it was written by a dangerous anarchist to another anarchist and a number of names are mentioned therein in such a way as to lead to the belief that they are also anarchists.

A copy of the letter was forwarded through official channels to Seattle and an investigation conducted by the Military Intelligence Service jointly with the Immigration Service brought out the fact that the letter in question was written by one John Clerc, a Frenchman, never naturalized. Clerc was living with a woman who had borne him two children, but to whom he was never married. He was apprehended and confessed not only that he was an anarchist but that he was the writer of the intercepted letter. He further implicated all of the parties whose names he had mentioned as being anarchists. He stated that he had been connected with the famous or rather infamous "Home Colony," an anarchist and free love colony located near Tacoma, Wash. He even went so far as to go in a closed automobile with an officer and point out where certain of the fellow anarchists mentioned in the letter lived. That same night he hanged himself with a towel in the immigration station.

One of the men mentioned in Clerc's letter was a man named Leon Morrel, Frenchman, unnaturalized. An officer of the Military Intelligence Service and an immigration officer went to Morrel's house and, on inquiry, were informed that he was not there, but could be

found at the house of his partner in business, Alex Snellenberg. The officers then went to Snellenberg's house and there found Morrel. Snellenberg offered to bring the party to the immigration office in his automobile, which offer was accepted. En route he made some remarks that caused the officers to request him to come into the immigration office upon their arrival, and question him. He stated that he was a citizen of the United States by naturalization, giving place of naturalization; and among other things said that the Government of the United States needed him much more than he needed that Government. He also finally made the bold statement that he was a philosophical anarchist. Permission was asked, and granted by him, for the officers to accompany him to his residence and search same, or rather to look over his literature. A large quantity of anarchist literature was found and he gave his consent to its temporary removal to the immigration office for examination. (A list of said literature hereto attached.)

Morrel had, in the mean time, been held on a warrant on a deportation proceeding, and after some delay was ordered deported, and is at the present time at Ellis Island unless he has been deported within the last couple of weeks.

In the meantime an investigation had developed the fact that Snellenberg had not been naturalized as he claimed, but had only obtained his first paper. Upon that showing, together with the statements he had made relative to his anarchist beliefs and the literature found in his house, a warrant for his arrest on a deportation proceeding was obtained. He was taken into custody and shortly afterwards gave bond. He was granted a hearing, refusing to employ counsel, and handled his own case, including the writing of a lengthy brief. During the course of the hearing the Military Intelligence officer testified as to the conversation with Snellenberg on the occasion of Morel's arrest, to the effect that he, Snellenberg, had at that time stated he was a philosophical anarchist, etc. This was not denied by the alien. The literature, or a list of same, was introduced in evidence. The alien testified he was in favor of a change in the Government of the United States and in reply to a question as to whether or not he would bring that change about by the ballot replied that the ballot might do for some but that he never used it. He evaded all direct questions as to his doctrine and skillfully fenced with the examiner. The evidence, however, showed that he was connected with Home Colony, the anarchist colony before mentioned; that his wife and children spent their summers there, and that he was a subscriber to anarchist publications, etc.

The record was completed and transmitted to the department, through the bureau, for decision. The memorandum of the bureau, together with the letters passing back and forth regarding this case, and the Assistant Secretary's final decision and a letter of apology for the arrest and inconvenience caused the alien; also the findings of the examining inspector and a copy of Clerc's letter are hereto attached. A copy of a detailed report made concerning the anarchist colony known as "Home Colony" has already been incorporated in this report, and, while it never was used in any way in connection with the Snellenberg case, was a matter of record in the files of the bureau and gave some insight to the colony in which Snellenberg

was interested and to which he sent his wife and children to spend their summers.

It was in this colony, on the Morrel place, that Caplan, the convicted dynamiter of the Los Angeles Times, was hidden and arrested.

The Oscar Dietz mentioned in the report regarding Home Colony is the same "Oscar" mentioned in Clerc's letter.

The various documents mentioned read as follows:

[San Antonio, Tex.; New York, N. Y.; United States Postal Censorship. Date of letter May 9, 1918.]

From: Mr., No. 923, Twenty-sixth South, Seattle, Wash.

To: Mr. Lorenzo Roebas, Apartment 1714, Mexico City.

Before receiving your last letter, I intended to write to you, as it was a very long time since I had any news from you. Your postal card has tranquilized us, and I am glad to know that you are more or less safe down there. When you left I was asking myself what were the reasons you had to emigrate so far away, as then I didn't see how things were, but now, old man, it is something extraordinary and you over there can not realize what is happening here. It is madness in every respect. A beastly madness, which know no limits. In this country with her impulsive population one sees at present the most savage scenes, and the newspapers are continuously relating "Mob" cases, "Lynch" cases, or "Tar and feather parties," in the Germans and oftener the poor devils of the I. W. W., have to go through a worse quarter of an hour than suffered by those in the trenches in Europe. These are the small facts of the mob, which altogether are nothing compared with those of that monster, "The State." The legal persecuted are very extended everywhere under the pretext to fight pro-Germanism, when in fact, the fight is only against those who think too far and talk too loud. The "reaction" composed of all Wall Street clique, which governs the country from the Atlantic to the Pacific and from the limits of Canada to Mexico, is acting with an audacity which never could have been believed from this country. They have arrived at a fanaticism worse than the religious fanaticism. We are going through a period worse than that of the Middle Age, with the only difference that this time it is the State (the most terrible of all monsters as Nietzsche said), which substitutes the church. All the newspapers with radical tendencies and ideas have been suppressed and the majority of the companions which were somewhat active in the organizations or in newspapers, have been arrested. You know that all those belonging to the I. W. W. f. i. are at present on trial in Chicago, and the result of this process will decide everything in the United States. It will be one or the other. Either the movement of Emancipation which has begun to develop well in this country will be completely annihilated, according to the course of this trial in Chicago, there will be perhaps a chance to revolt. We are all waiting, as this will be the decisive blow. Up to the present we have been able to pass between the rain drops, but after this if the trial is lost, there will be no limits.

It is impossible to continue in the shops, they literally oblige one to give for the Red Cross, to buy "war savings stamps" or "Liberty bonds." You must have heard talk what happened last winter with our Italian companions, who were subscribed to a paper of Galianni, "La Chronaca Suversive" (The Subversive Chronicle). About 50 were arrested, and many of them known to us, and the only charges the Government had against them was simply because they were foreigners and were supporting an anarchistic newspaper. There is at present absolutely no chance for a foreigner who is known as a radical, as the law can be interpreted in all senses. The affair of our Italian companions, which has lasted since the 25th of November, has not yet been solved and nobody knows how it is going to end. Many have been set free under bail varying between \$2,000 to \$5,000. . . . You have understood, eh, \$5,000—bail—some of them are still in the hole and it is impossible to help them, and it is believed that they will remain there until the end of the war, or that they will be deported, with which they have been threatened. The attitude of the unions is simply deplorable and more and more disgusting, and this has been well appreciated in this affair of the Italian companions. There were many who belonged to the unions and among others a companion of ours, a machinist. Only after 4 months of prison it has been possible to make them act and efforts and struggles were necessary. I myself have been personally mixed directly in this matter, but you know, notwithstanding it all, our good will has been handicapped, we are not yet sufficiently assimilated with the country and their system of action and really very far from our center to enable us to fulfill our task as we wish to. Nevertheless, thanks to some of the companions who are in

the unions, there is an apparent solution to this matter, otherwise all the companions would have been deported. The situation for all of us here is really far from being bright, and it is enough to be known to be molested. It has come to a point that I really don't know what decision will be necessary for me to take, and you may rest assured that if it was not for my wife and two babies, by all means I would try to make trouble.

They are talking now about putting the limit of the draft age to 40 years and then we will be in a good fix. On the other side, the Governments of the Allies have made an arrangement with the law of each country, which means that on one or the other way they have us, as in France the limit of the draft age is 45 years. Our old companion, Lucien, has already been drafted and nobody can understand how this could ever happen. He is in a camp just beside us, and although we have tried many times with Oscar's coach to see him, we have not yet been able to succeed and we don't know what all this means. We hope to succeed next week, or at least in two weeks and perhaps I will be in a position to give you more details. It might happen that following the events you will receive a note which on the first moment you might not be able to quite understand—with your discernment and more knowing the situation here you will surely be able to get its meaning at once and will act in accordance. If f. i., my boss, writes to you to come here to repair the machines which you know well, you will understand that it is better to remain in the country of the cactus and that that will mean that it will be necessary to exchange the rôles. As I have already told you, no one can foresee how all this will end, and it is always good to know how one can get along in case of necessity. A couple of months ago I escaped danger in a shop where I was, having refused to give for the Red Cross; one word of discussion brought another and only thanks to a man in the shop, an Irishman, I escaped from being lynched, which no doubt would have happened. Imagine, they all came together and wanted me to embrace the American flag. Everywhere more or less, is the same story. Well, enough about this question. I send you from time to time newspaper clippings and you ought to know more or less what is happening here. Do you receive these newspapers?

I suppose that some news about the companions will give you pleasure. Leon Morel has at last come back, what happens with all the companions who have come to the West and returned to the East. He has again established a new shop and it is surely not work which is lacking, as such we can find everywhere at present. There are all the chances to succeed now, but it is always the same thing, as well considered all our conduct is solely due to one thing, to our temperament, and it not only is difficult to control oneself, but one can not change. Oscar is all right and is still here. He also has his troubles against the "alien enemy" which does not permit them to go any farther than 300 yards from the water front. As he hasn't got his second papers this means that he is not allowed to work in any of the shipyards here and can not even come near the docks. He has bought a little Ford and every Sunday we go out on picnics. We have been on top of the falls a few days ago and in Olympia last Sunday. Henry and Jean are still working in "Frisco and at present have abandoned "La ciselure." They are now metal patent makers; that is almost machinists. You no doubt heard about Marcel Dubreil's death. He died in France when with his regiment, I believe. He didn't even have a chance to end as a hero. Lucien came to see us last Sunday. He has been drafted in accordance with the American law, because, as you know, they take everybody, and he was just in the age limit, which is 30 years. He was nearly 31 just before the date of the draft, and he was anyhow in the classification of 30 years, not having completed 31 years. This means that only we tried to help him he lost his freedom. The first weeks were awful and he tried his best to desert, but there was no chance, there is no way to take a steamer and the Mexican border is so well guarded that it is impossible to try anything. He is supposed to remain in the Army until the end of the war and he does not yet know if they will send him to France. Up to the present he has succeeded in obtaining a job in an office with a captain and he has decided by all means never to carry a gun.

This is where we have arrived, my old man, after having escaped France, we are now well caught here. This country is getting just as bad as Europe is.

We are getting along more or less well in the shops. The pay is good and it varies from \$6 to \$7. I get at present \$6.75 and I am in charge of the Turent lathes and automatique machines. Have you already seen those "Cleveland automatiques" or the "Acme automatic." It is something like mounting and arranging machines, but I have studied a little and I am used to it. But the most important part is that I have a good job. We only work now 44 hours a week and since the 1st of May it is understood according to the metal trades agreement that we will have Saturday afternoons free during the four summer months, but now everybody talks of insisting to have it the whole year.

Well, my old man, I stop, because I have talked too much. Don't forget to take care of the subscription of the Revue I have asked you about. With regards and hoping to see or hear from you, I am,

ALWAYS 923 TWENTY-SIXTH SOUTH.

Exact copy: F.

List of books, pamphlets, magazines, etc., found in the home of Alex Snellenberg, Brander Place, Seattle, Wash., at the time of his arrest, July 24, 1918, by the United States Immigration Service:

Free Society, new series 1, November 14, 1897, to 52, November 6, 1898; The Firebrand, volume 3, No. 1, February 7, 1897, to 3, No. 32, September 12, 1897; Free Society, 109 papers, volume 4, No. 1, November 13, 1898, to No. 6, 58, December 23, 1900; bound together. Prison Memoirs of an Anarchist, Berkman, 1 copy. Useful Work v. Useless Toil, William Morris, 4 copies. The Old and the New Ideal, Emil F. Ruedebusch, 1 copy. The Psychology of Political Violence, Emma Goldman, 1 copy. Age of Reason, Thomas Paine, 1 copy. Why?, volume 1, No. 1, January, 1913, 6 copies; volume 1, No. 4, April, 1913, 1 copy; volume 1, No. 7, July, 1913, 1 copy; volume 1, No. 9, September, 1913, 1 copy; volume 1, No. 11, November, 1913, 1 copy. The Coming Woman, Lillie D. White, 2 copies. Katherine Breshkovsky, For Russia's Freedom, Ernest Poole, 1 copy. The Basis of Trade Unionism, Emile Pouget, 2 copies. Modern Science and Anarchism, David A. Modell, 2 copies. War, Pierre Kropotkin, 8 copies. The State, Peter Kropotkin, 1 copy. Crime and Punishment, Voltairine de Cleyre, 3 copies. An Invocation, a scathing arraignment of the War Lord, J. W. Y., the logger philosopher, 1 copy. The Labor Question, Henry George, 1 copy. A Concise History of the Great Trial of the Chicago Anarchists in 1886, Dyer D. Lum, 1 copy. Mother Earth, Emma Goldman, volume 2, No. 8, October, 1907, 1 copy; volume 2, No. 9, November, 1907, 1 copy; volume 3, No. 10, December, 1907, 1 copy; volume 3, No. 5, July, 1908, 1 copy; volume 3, No. 8, October, 1908, 1 copy; volume 4, No. 3, May, 1909, 1 copy; volume 5, No. 12, February, 1911, 1 copy; volume 6, No. 9, November, 1911, 1 copy; volume 9, No. 5, July, 1914, 1 copy; volume 10, No. 8, October, 1915, 1 copy; volume 10, No. 11, January, 1916, 1 copy; volume 11, No. 1, March, 1916, 1 copy; volume 11, No. 2, April, 1916, 1 copy; volume 11, No. 12, February, 1917, 1 copy; volume 11, No. 11, January, 1917, 1 copy; volume 12, No. 3, May, 1917, 1 copy. Socialist Songs and Dialogues, Josephine R. Cole, 1 copy. Anarchism: Its Philosophy and Ideal, Peter Kropotkin, 1 copy. The State: Its Historic Role, 1 copy. God and the State, Michael Bakunin, 1 copy.

The International Socialist Review, September 15, 1907, volume 8, No. 3, 1 copy; December 1, 1900, volume 1, No. 6, 1 copy. The Place of Anarchism in Socialistic Evolution, Pierre Kropotkin, 1 copy. The Wage System, Peter Kropotkin, 8 copies. President Wilson's Commission Demands New Trial for Mooney, 1 copy. An Appeal to the Young, P. Kropotkin, 2 copies. Evolution and Revolution, Elisee Reclus, 3 copies. The Quintessence of Socialism, A. Schaffle, Humboldt Lib. of Sci., No. 124, February, 1890, 1 copy. Civilization, Its Causes and Cure, Edward Carpenter, Humboldt Lib. of Sci., No. 144, October, 1891, 1 copy. What is Property? P. J. Proudhon, 1 copy. Essays on the Social Problem (Why I am an anarchist), Henry Addis, 7 copies. Direct Action v. Legislation, J. Blair Smith, 1 copy. New Zealand in a Nutshell, J. A. Wayland, 1 copy. A Forgotten Small Nationality—Ireland and the War, Francis Sheehy Skeffington, 1 copy. How Capitalism has Hypnotized Society, William Thurston Brown, 1 copy. Pages of Socialist History—Teachings and Acts of Social Democracy, W. Tcherkesoff, 1 copy. American Journal of Eugenics, June, 1908, volume 2, No. 3, 1 copy; July, 1908, volume 2, No. 4, 1 copy. American Journal of May, June, 1909, volume 3, Nos. 3-4, 1 copy. Memorial of Moses Harman, 1 copy. Eugenics, M. Harman, volume 2, Nos. 10-11, one and two, 1909, 1 copy; volume 3, Nos. 1-2, three and four, 1909, 1 copy; volume 3, Nos. 5-6, nine and ten, 1909, 1 copy; volume 3, Nos. 7-8, one and two, 1910, 1 copy. Responsibility and Solidarity in the Labor Struggle, Edward Bernstein, 1 copy. Social Democracy in Germany, Gustave Landauer, 1 copy. How to End Panics, Anarchist Federation of America, 1 copy. Library of Anarchism, Mother Earth Publishing Association, 1 copy. Wage Labor, and Capital, Karl Marx, 1 copy. The Agitator, November 15, 1910, 4 copies; December 15, 1910, 1 copy; March 15, 1911, 2 copies; April 1, 1911, 1 copy; April 15, 1911, 1 copy; May 15, 1911, 1 copy. Social Revolution, February, 1918, 1 copy; April, 1918, 1 copy. The Class Struggle, volume 2, No. 3, May-June, 1918, Boudin, 1 copy. The Liberator, June, 1918, Max Eastman, 1 copy. Sheet Metal, volume 7, No. 1, February, 1916, 1 copy; No. 3, April, 1916, 1 copy. The Sheet Metal Shop, volume 2, No. 3, April, 1911, 1 copy; No. 12, January, 1912, 1 copy; volume 3, No. 8, September, 1912, 1 copy. The Rebel, volume 1, No. 1, September, 1895, 1 copy; No.

4, January, 1896, 1 copy; No. 6, March-April, 1896, 1 copy. The Blast, volume 1, No. 2, January, 1916, 1 copy; No. 11, April, 1916, 1 copy; No. 13, May, 1916, 1 copy; No. 23, December, 1916, 1 copy; volume 2, No. 1, January, 1917, 1 copy.

The Commune of Paris, Peter Kropotkin, 1 copy. An Anarchist on Anarchy, Elisee Reclus, 1 copy. Discontent, November 1, November 16, December 20, 1899; March 14, 21, 28, April 10, 11, 18, May 9, 23, June 20, 27, July 4, 11, 1900, 1 copy each. The Demonstrator, September 7, November 16, December 7, 21, 1901; January 4, 1905, 1 copy each. Free Society, January 3, 10, 17, 24, 31; February 7, 14, 21, 28; March 3, 20, 27; April 3, 10, 17, 24; May 1, 10, 15, 16, 29; June 5, 12, 19, 26; July 3, 10, 17, 24; August 7, 14, 21, 28; September 4, 11, 18, 25; October 2, 9, 1901, 1 copy each. Social War, volume 1, No. 7; No. 4, April, 1917, 1 copy each. Seattle Daily Call, February 22; March 2, 5, 6, 7, 16, 18, 20, 23, 28; April 13, 1918, 1 copy each. Weekly People, New York, March 23; April 13, 1918, 2 copies. Industrial Worker, January 16, 18; May 4, 1918, 1 copy each. Mooney Frame-up Condemned by Federal Commission, International Workers' Defense League, 1 copy. Soundview, volume 8, No. 6, December, 1907, 1 copy. Against Religion and Marriage, E. L. Larkin, 1 copy. De Sociale Cids, January, March, April, May, June, July, August, September, October, November, December, 1893, 1 copy each. De Stervende Maatschappij En De Anarchie, Jean Grave, 1 copy. De Puinhoopen of Beschouwing van de omwenteling der staten gevolgd vab de Natuurlijie wet naar het fransch van Volney, 1 copy. Armoede of Welvaart, Dr. Jo Van Kampen, 1 copy. Michel Bakoenine en Karl Marx, Victor Dave, 1 copy. Medische Studie over de kunstmatige onderbreking dere Zwangerschap door kruiden, dranken en andore middllen, Dr. R. A. Westerhout, 1 copy. Kracht en stof, Dr. L. Buchner, 1 copy. Het Kommunistische Manifest van Karl Marx and Friedrich Engels, C. Cornelissen, 1 copy. De rouw en Het Socialisme, A. Bebel, 1 copy. A friend of the Russian Immigrant and Yearly Calendar, Newspaper Printery of Newspaper New World, New York, 140 East Fourth Street, 1913 edition, 1 copy. New World, April 30, 1918, and May 1, 1918, 1 copy. Revolutionary Russian paper, 2 copies. Weekly New Era, published in Moscow, Russia, dated November, 1910, 1 copy. Pacific Ocean (newspaper), March 13, 1916, San Francisco, Calif., 1 copy. Semimonthly magazine devoted to help public teacher in his problem of teaching. Voice of Labor, weekly newspaper, edited in New York, 586 East One hundred and fortieth Street, 1 copy. A few leaves of Jewish magazine "The Big Stick" Journal of Humor and Satire, 20 East Broadway, N. Y., 1 copy. A few pictures clipped from papers, mostly of Russians.

SUMMARY AND RECOMMENDATION.

The record in this case shows that the man under arrest is an alien, a native of Holland, 46 years of age; that he came to the United States May 14, 1894, landing at the port of New York, ex S. S. *Maasdan*; that he returned to the old country in July, 1900, returning in September the same year through the port of Boston.

Snellenberg's arrest was due in part to an investigation which was conducted by this service concerning one John Clerc, bureau file No. 54517/19. Snellenberg was very much interested in this man's case and also in the case of Leon Morel, bureau file No. 54517/20. In connection with the investigation, Mr. Snellenberg was asked if he would come to the immigration office, and on being interviewed he stated, "this Government needs me more than I need the Government." Thereupon he was asked if he had any objections to an officer going to his home and looking over his effects; he stated that he had no objections. A search revealed a large quantity of literature of an anarchistic nature. When the officer attempted to take some of this literature away, one of Snellenberg's boys objected, stating that he was making a study of same and had not completed it. A list of books, pamphlets, magazines, etc., found at the time Snellenberg's home was searched, is attached to the record.

At the time he was first interviewed, Snellenberg insisted that he was a citizen of the United States, having taken out naturalization papers at Boston shortly after his arrival in this country; at the time of the hearing on the warrant he admitted that he was not a citizen as he had never taken out his final papers. He stated, further, that he was married in January, 1902, to the woman with whom he is now living, and that his views along political and socialistic lines were in accord with the views held by his wife along the same lines.

Mrs. Snellenberg has for a number of years been actively and prominently associated with all radical movements in this vicinity. She has collected money for the defense of I. W. W. prisoners, and has gone on the bond of a number of persons arrested because of their anarchistic activities; several years ago she was signer on the bond for the release of Becky Beck, bureau file No. 4250/21, at which time this woman was charged with being an anarchist. She also went on the bond of Sam Sadler, who was cob-

victed in this city recently under the espionage act; she has called at this office frequently and visited with a number of anarchists who were arrested by this service about a year ago. She is well acquainted with and a frequent caller on Ephim Kertz, bureau file No. 54235/102, and Annidale Scialdo, bureau file No. 54235/110. Mrs. Snellenberg admits that she frequently resides at Home Colony, a community on the shores of Puget Sound, composed of believers in anarchy and free love; and she is acquainted with practically all the members of this community. She and her children, as a rule, spend their summer vacations at this place. Mr. Snellenberg also has spent considerable time there and his brother owned a home there.

Mr. Snellenberg was asked the direct question whether or not he was an anarchist, and stated "since a number of years have I ever believed in it." However, it will be noted that Witness Sullivan testifies (p. 20, his examination), that Snellenberg stated that he had read considerable anarchistic literature and had discussed such subject with his friends Morel and Clerc; and that he (Snellenberg) termed himself a philosophical anarchist. Snellenberg has not denied that he made such statement nor has he offered any testimony or evidence to disprove it. He was very evasive when questioned as to whether or not he had subscribed funds for the defense of Alexander Bergman and Emma Goldman. He admits being a subscriber to the newspaper known as *The Blast* and the *Mother Earth*, both anarchistic publications. He refused to state whether or not he believed in the present form of United States Government, and when asked as to whether or not he believed in changing the form of this Government, by the ballot, he replied: "Perhaps by ballot; perhaps by other ways"; and as to whether or not he believed in the use of the ballot he stated: "I am not using the ballot; it may be good for some."

A reading of the record in this case will show that both Snellenberg and his wife have been very active in the cause of anarchy, and that from all indications it would appear that they are bringing up their children in such a way that they can hardly turn out to be other than believers in and advocates of anarchy.

After considering the testimony adduced in this case, I find that Alex Snellenberg is an alien, a subject of Holland; that he last entered the United States in September, 1900, through the port of Boston. I find that subsequent to such entry he has been found advocating or teaching anarchy and further that he is in the country in violation of the act approved October 16, 1918, in that he is affiliated with an anarchistic organization—The Mutual Home Association—and I respectfully recommend that he be ordered deported to the country whence he came, and of which he is a citizen or subject, in conformity with law.

THOS. M. FISHER, *Immigrant Inspector.*

MAY 19, 1919.

In re Alex Snellenberg, aged 46; native and subject of Holland; Dutch race; entered presumably at Boston, Mass., in September, 1900.

Memorandum for the Acting Secretary.

The above-named alien was arrested at Seattle, Wash., on the grounds that he has been found advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law, or the assassination of public officials; and that he was an anarchist or person who at the time of his entry believed in or advocated the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieved in or was opposed to organized government, or who advocated the assassination of public officials.

This man states that he first came to the United States in May, 1894, landing at the port of New York; that he lived here until July, 1900, when he returned to the old country and again came here in September of the same year, through the port of Boston. The record shows that his arrest arose as a result of his connection and concern in the proceedings against one John Clerc (file No. 54517/19). His house was then searched, with the result that a large quantity of literature was found, the vast majority of which was radical and anarchistic. The record shows that when first questioned at the immigration office at Seattle by Inspector Fisher, in the presence of George J. Sullivan, a sergeant in the Military Intelligence, Snellenberg admitted that he was what might be called a "philosophical anarchist." Snellenberg has a wife and three boys, the latter all being American citizens. He conducts a sheet-metal business of his own in Seattle, and was engaged, it is said, on Government contracts during the war. Both Mr. and Mrs. Snellenberg have been very actively associated with radical movements and radical people in and around Seattle. They are frequent visitors at the Home Colony, located on Puget Sound, practically all of the members of which are anarchists. They have also interested themselves in certain I. W. W. cases at Seattle,

where proceedings have been instituted by the bureau. An examination of the list of literature in Snellenberg's home will show that a part of it was the Mother Earth publications by Emma Goldman and Alexander Berkman. There is nothing, however, in the record to indicate that Snellenberg has taught anarchy by word of mouth or has distributed any literature. He is undoubtedly radical, and at his examination made the following answers to questions put to him:

Q. Are you what they call a philosophical anarchist?

A. I don't know.

Q. Do you believe that an anarchistic government is ideal?

A. No, sir.

Q. Do you believe in the present form of government?

A. I always believe that any government can be improved upon.

Q. Do you believe in the present form of government?

A. What do you mean by present form?

Q. The present existing form of government.

A. They are continually changing. They are continually changing everywhere.

Q. Then you don't believe in the present existing form of government?

A. I believe they are continually changing.

Q. Do you believe in overthrow?

A. No, sir.

Q. How would you accomplish your end?

A. By simply finding out where the government is at fault and advocating the changes.

Q. By force?

A. Not necessarily; by simply spreading ideas that might reform it.

Q. How? By force or ballot?

A. Perhaps by ballot. Perhaps by other ways.

Q. Do you believe in the ballot?

A. I am not using the ballot. It may be good for some.

This man has lived here, with the exception of two months, since 1894, and yet has not seen fit to become a citizen of this country. His answers to the above questions indicate his radical ideas as to government. While he has practically admitted that he is a philosophical anarchist, it appears that the warrant of arrest issued in July, 1918, and the charges therein contained are not technically suited to cover his case, the present anarchy act not then being in existence.

As this man has a family here and his deportation would impose considerable hardship upon them, the bureau is of opinion that final action in the case should be deferred for a further period of six months, the alien to be released upon his own recognizance with the understanding that he will report at intervals of three months to the Seattle immigration office as to his conduct and occupation. He has been at large under bond since his arrest in July of last year.

A. CAMINETTI,
Commissioner General.

Approved.

JOHN W. ABERCROMBIE,
Acting Secretary.

SEATTLE, WASH., June 17, 1919.

COMMISSIONER OF IMMIGRATION,
Seattle, Wash.

SIR: I am in receipt of your letter of the 10th instant offering to release my bond and let me go on my own recognizance, providing I would report to you every three months, personally if practicable, as to my "occupation and conduct."

I have been a metal worker for more than 30 years, have been in business here for 12 years as a sheet-metal contractor, and am president and general manager of the Occidental Sheetmetal Works, a corporation organized under laws of the State of Washington. My home address is 1715 Bradner Place, a home which we owned until these proceedings have threatened our ownership of it.

I have lived there for more than 10 years past.

In the future, barring the unexpected, my occupation and conduct and residence will be the same as it has been these last 10 years or more.

All these facts are known and have been known to you.

I have never done a dishonorable act, settled any dispute by violence, nor have I ever been brought in court for transgressing the law.

I work, pay my debts, and take care of my family. For more than 25 years I have, by hard work, contributed my share toward increasing the wealth of this Nation, never asking for any consideration or remuneration.

I therefore can not conscientiously sign this agreement, for it is a humiliation and degradation to me. It implies that my conduct is something under suspicion and that in addition to almost ruining my business and stand in the community, as you already have by your ridiculous accusation against me, I am now to be humiliated and mortified by "reporting" to you.

I have done nothing wrong. I am absolutely innocent of the charges against me. I have never preached or advocated violence. Am a firm believer in the degrading influence of violence in all forms.

Your entire proceeding against me has been persecution in which you have practically ruined my credit and business, and I can not now submit to the disgrace and humiliation you seek to force upon me. You have wronged me; I have not wronged you. It is you who should seek my pardon and forgiveness for the wrongs done me. This last proceeding adds insult to injury, and I decline to sign it.

Respectfully,

A. SNELLENBERG.

DEPARTMENT OF LABOR,
IMMIGRATION SERVICE,
OFFICE OF THE COMMISSIONER,
Seattle, Wash., June 19, 1919.

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

This will acknowledge receipt of bureau letter of June 4, 1919, No. 54517/23, advising that by direction of the Acting Secretary further action in the case of alien Alex Snellenberg is deferred for a period of six months, said alien to be released upon his own recognizance, with the understanding that he will report to this office at intervals of three months as to occupation and conduct.

Under date of June 10, 1919, Mr. Snellenberg was advised of the contents of bureau letter above mentioned. For the bureau's information I am inclosing herewith copy of letter addressed by Snellenberg to this office under date of June 17, 1919, in which he refuses to comply with the conditions incident to his release upon his own recognizance.

Until receipt of instructions from the bureau, the \$2,000 bond furnished by this alien for his release will remain in effect.

HENRY M. WHITE, *Commissioner*.

June 26. Let the bond stay in force. A. W. P.

JUNE 26, 1919.

COMMISSIONER OF IMMIGRATION,
Seattle, Wash.:

The department acknowledges the receipt of your letter of the 19th instant, No. 35012/656, reporting that the alien Alex Snellenberg refuses to comply with the conditions incident to his release upon his own recognizance. In view of this fact, he may be permitted to remain at large under the \$2,000 bond furnished by him under date of July 31, 1918, and the department's order of June 4 last, canceling said bond is hereby withdrawn.

ACTING SECRETARY.

Exact copy assigned by John W. Abercrombie.

THOS. R. HORNER, LAWYER,
Seattle, Wash., January 15, 1920.

Hon. LOUIS F. POST,
Bureau of Immigration, Washington, D. C.

MY DEAR MR. POST: Perhaps you will remember that last June I called upon you, Mr. Abercrombie, and Gen. Caminetti relative to this case.

Prior to this visit the department had reversed the recommendation of the local inspector, Mr. Thos. Fisher, recommending immediate deportation and released Mr. Snellenberg on bond, providing he would report his whereabouts every six months to the local office.

Inasmuch as Mr. Snellenberg has lived a blameless life for many years in this country, has a wife and three children, and a reputation for honesty that is above reproach, he felt, and I think justly, that he is entitled to an unconditional acquittal. As

a result of his decision he still is required to pay large interest on the \$2,500 collateral he put up to get his bail from the bankers, and this is quite oppressive. I also wish you to remember that I explained that Mr. Fisher and Mr. Snellenberg were far from being friends.

I can not add to what I have already said to you heretofore; that I regard the entire proceeding as a mistake and that Mr. Snellenberg should have never been arrested and that he should be released. With kind regards, I am,

Very truly, yours,

THOS. R. HORNER.

THE CITY OF SEATTLE,
LEGISLATIVE DEPARTMENT,
Seattle, Wash., March 20, 1920.

Hon. LOUIS F. POST,
Bureau of Immigration, Department of Labor, Washington, D. C.

MY DEAR POST: I am writing to you concerning the long pending case of deportation against Alexander Snellenberg, of this city, and I hope you will pardon me for plain speaking when I tell you that I can not understand why the bureau will not release him.

It can be truthfully said, without the slightest degree of exaggeration, that Snellenberg is one of the good citizens of Seattle. He has been in America, I believe, about 20 years; has a wife and three children, and owns his own home. Both he and his wife, who was a Russian Jewess, are refined, intelligent, and tenderly sympathetic people. Snellenberg is head, or, at least, was head, of the Occidental Sheet Metal Works of this city, and is a hard working and intelligent man. He works hard all day, goes home to his family, stays there, and the next day repeats the same program. He is an honest and a reliable man, and when he gives you his word you can rely on it. He tells me that the banks have so stated to you in letters, and whether they have or not, it is a fact. If patriotism and solid citizenship is what is sought, he is just the kind of men we should seek, because he works hard and is devoted to the health, education, and standing to his growing family.

During the war he was for the Allies, even before we went into the struggle, and always manifested his feelings against Germany. He was born in Holland.

I can not say more than this, for I can not imagine what you have against this most excellent man nor solve in my own mind why you should hold him, unless it is because he is a single taxer, to which he pleads guilty.

Sincerely, yours,

OLIVER T. ERICKSON.

Noted March 25, 1920. L. J. P.

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, March 25, 1920.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: Alexander Snellenberg, 54517/23.

The warrant of arrest in this case was issued July 19, 1918, on application of the Seattle office.

The alien, having been arrested thereunder, was bailed in the sum of \$5,000; notification whereof was given August 2, 1918. By order of December 27, 1918, his bail was reduced to \$2,000.

The hearing under the warrant did not take place until January 28, 1919. The record was not transmitted to the department until March 7, 1919.

From the record of the hearing it appears that the examination was conducted by Inspector Fisher. His report finds that the alien "has been found advocating or teaching anarchy" and "that he is in the country in violation of the act approved October 16, 1918, in that he is affiliated with an anarchistic organization."

When the record had reached the Bureau of Immigration at Washington it was summarized fairly in a bureau memorandum of May 19, 1919. This memorandum stated that although alien had admitted that he might be called a philosophical anarchist, there was nothing in the record to indicate that he had taught anarchy, either by word of mouth or distribution of literature. A quotation from his testimony was made in the memorandum to show him to be a "radical"—a state of mind which does not come under the ban of any immigration law—which really shows him to be

opposed to anarchistic government even as an ideal and opposed to overthrowing the Government, though favoring governmental changes by "spreading reformatory ideas, perhaps by the ballot, perhaps by other ways." The memorandum closed, however, with a recommendation that final action be postponed for six months, the alien to be released upon his own recognizance with the understanding that he would report at intervals of three months to the Seattle immigration office as to his conduct and occupation.

This recommendation was approved by the department, doubtless as preliminary to complete release.

Indignant at the condition imposed, the alien, who has long held a position of good standing in his community, refused to sign the stipulation. Thereupon, June 26, 1919, he was permitted to remain at large under the still existing \$2,000 bail bond.

On July 2, 1919, a further memorandum to the department was prepared in the Bureau of Immigration. It recommended that the bond "taken in the case of this alien shall be canceled and alien released." This memorandum was not signed by the commissioner general and, consequently, so far as can be learned from the record, was never transmitted by the bureau to the department.

A letter from the alien's attorney, under date of January 15, 1920, addressed to the Assistant Secretary and sent to the bureau for attention, remains in the file unanswered until to-day, when the file comes to the attention of the department through the hereunder letter of March 20, 1920, from the chairman of the city utilities branch of the legislative department of Seattle, Hon. Oliver T. Erickson.

The foregoing statement is placed in the file for the purpose of explaining the departmental letter of this date, of which copies are also attached to the file, and for the purpose of explaining the present action of the department in the case.

Cancel warrant.

LOUIS F. POST,
Assistant Secretary.

MARCH 26, 1920.

THOMAS R. HORNER, Esq.,
Seattle, Wash.

MY DEAR MR. HORNER: Your letter of January 15, 1920, regarding Alexander Snellenberg's case was promptly received and placed in due course for departmental attention. It is with great regret, however, that I am obliged to apologize to you for not making acknowledgment more promptly. The letter did not again come to my attention until yesterday.

It was then brought to my attention by a letter from Hon. Oliver T. Erickson, of Seattle, whose protest caused me to examine the bureau's files. Upon this examination I came to the conclusion that the warrant should be immediately canceled. It was done to-day.

In view of the manifest injustice to Mr. Snellenberg, which the long delay in releasing him from his bail and the continued reflection of such charges upon his reputation must have imposed, I think it only fair to assure him, through you as his counsel, that not only is the warrant upon which he was arrested now canceled and the case closed, but that the official record shows the charges to have been baseless.

Very truly, yours,

LOUIS F. POST,
Assistant Secretary.

MARCH 26, 1920.

DEAR MR. ERICKSON: In response to your letter of March 20, 1920, in the case of Alexander Snellenberg, I have examined the file and find the charges against him to have been unfounded. I have therefore canceled the warrant and notified his attorney, Mr. Horner. This ends the case.

I deeply regret the long delay. While I can not justify it, I hope it may seem to you to be excusable when I tell you that thousands of cases under the immigration laws pass through this department every year and that the records are often, as they were in this case, very bulky. At any rate, I thank you for calling my attention to the case and thereby enabling me to dispose of it in the only way in which, as the record shows, it could be disposed of.

Sincerely, yours,

LOUIS F. POST,
Assistant Secretary.

HON. OLIVER T. ERICKSON,
City Utilities Legislative Department, Seattle, Wash.

PHILOSOPHICAL ANARCHISTS.

As one of the questions relating to the case just quoted pertains to what is called "philosophical anarchists," it is thought that a memorandum of the Assistant Secretary and a digest concerning this subject, the latter evidently prepared by the bureau, will be of interest. They read as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, June 10, 1919.

Memorandum.

For: The Secretary.

From: The Assistant Secretary.

Subject: News Release re Boston Anarchist Cases.

The matter hereunder is submitted by the Bureau of Immigration for release. I question the fourth paragraph, which contains a statement of departmental policy prior to the act of 1918. As I remember, the department had not then adopted a policy as to "philosophical" or "Tolstoyan" anarchists, and the act of 1918 was passed, in this particular, to remove the doubt. If the fourth paragraph correctly represents the department's policy prior to that act, the whole should be released. Otherwise the fourth paragraph should be altered or truck out.

I submit the matter for instructions.

LOUIS F. POST.
Assistant Secretary.

Delete paragraph from W. B. W. June 11, 1919.
Noted June 11, 1919. L. F. P.

THE BOSTON ANARCHIST CASES.

Information has been received by the Commissioner General of Immigration that Judge Aldrich, of the district court for the district of Massachusetts, has rendered a decision sustaining the action of the Secretary of Labor in ordering the deportation of the nine anarchists, Luigi Galleani, Giovanni Frizzetti, Giuseppe Solari, Tugardo Montenari, Vincenzo De Lecce, Giobbe Sanchini, Irma Sanchin, Alphonse Fagotti, and Raffaele Schiavina. A copy of the decision rendered by Judge Aldrich has been received by the bureau. The court has sustained the department's view of the law in each and every respect in which attempts were made in these cases, by the attorney representing the aliens to have the law so construed that it would not include the cases of these particular anarchists.

This group of anarchists includes several persons regarded by the Bureau of Immigration as among the most dangerous aliens yet found within the country. Luigi Galleani, the most prominent person in the group, is regarded as the leader among the Italian anarchists throughout the United States, especially in New England. He has for many years been the editor and publisher of a paper called *Cronaca Sovversiva*, which boasted on its title page that it was the principal anarchistic journal in the United States. The other members of the group were identified in one way or another with either the publication or the distribution of the paper mentioned. Most of the aliens have been in the United States for a number of years. Galleani has lived here for about 16 years, having come to this country after escaping to Egypt from an island in the Mediterranean Sea to which he had been banished by the Italian Government for his anarchistic activities in Italy.

All of these aliens claim to be "philosophical anarchists," asserting that they do not believe in and had not advocated or taught the destruction of government by forcible means, but were simply believers in the doctrine that government is an unnecessary institution and had been teaching this doctrine simply as a philosophy.

Even before the act of October 16, 1918, relating to the anarchistic and similar classes, was passed by the Congress the department held that the immigration law was intended to exclude and expel from the United States all aliens who were anarchists, whether they were of the so-called philosophical type or were actually engaged in or advocating destruction by force; but the previous law was limited as to the time within which aliens who became anarchists after entering the United States could be deported, and in suggesting the passage of the later measure the main purpose of which, was to remove this time limitation, the department at the same time asked that the wording and punctuation of the law be so changed as to remove any possibility of

doubt as to the intent of Congress to exclude and expel from the country alien anarchists of any and all descriptions.

The department took the view that those who teach anarchy as a philosophy are just as dangerous as, or perhaps even more dangerous than, the more violent type of anarchists, especially because these "philosophers" are usually men of education and capable of being leaders, because of the insidious and quiet ways in which they can work to spread the dangerous doctrines, with the result that their disciples, often not so well educated and not capable of restraining themselves simply to a view of the "philosophical" side of the matter, usually are inclined to resort to lawlessness and violence with the object of putting into immediate practical operation the "absence of all government and all authority" taught by their philosopher friends and leaders. The Committee on Immigration of the House of Representatives in recommending to Congress the passage of the act of October 16 expressed this same view in no uncertain language, and as the act was passed by both Houses with that report before them it is natural to assume that the legislative branch of the Government has given unqualified approval to the idea. Its soundness is well illustrated by an incident which happened in connection with these very cases. Luigi Galleani, while at large under bond with the department's proceedings pending against him, made a speech at Manchester, Mass., in which, of course, he discussed the theory or philosophy of anarchy. Shortly thereafter a bomb outrage occurred in Manchester, the aliens taking part in it apparently all being blown to pieces in the explosion which they planned to carry out. Of course, it is impossible to say that these particular anarchists obtained solely from the speech made by Galleani the idea of using force in this particular case, but the circumstance that the explosion followed the speech in very quick order and occurred in the very place where the speech had been made is by no means lacking in significance.

Judge Aldrich, after pointing out in his decision that it had been conceded before him in argument that the nine persons ordered deported by the department were anarchists, analyzed the act of October 16, 1918, directing attention to the broad and inclusive nature of its terms and the careful manner in which it was punctuated, and held that Congress, having in that act "declared against all aliens who are anarchists, the declaration must be accepted as meaning that Congress was of opinion that the presence of alien anarchists is offensive to our society and dangerous to the Government, and it must be assumed that the enactment in this respect was based upon the idea that the Government possesses the right to determine who shall be members of its community—a right which may be exercised by all nations and a right which may be exercised both in peace and war."

CASE OF ALBERTO GUARELLO.

A case of interest along the same line, "philosophical anarchists," is that of Alberto Guarello, bureau file 54861/162. In this case, like the Snellenberg case, the alien admitted that he was a "philosophical anarchist." His attorney, in the brief submitted, admitted that the alien had so stated, but then went on to try to qualify that admission. The commissioner of immigration at New York recommended deportation. The facts were fairly set out in the bureau's summary. The commissioner general recommended deportation. After reviewing the record the Assistant Secretary canceled the warrant of arrest without comment. The documents mentioned read as follows:

[Department of Labor, Immigration Service.]

OFFICE OF COMMISSIONER OF IMMIGRATION,
Ellis Island, New York Harbor.

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.:

I forward herewith record of hearing in the case of Alberto Guabello, arrested on department warrant No. 54861/162, dated February 12, 1920.

This man is 46 years of age, married, a native of Italy, claims to have resided in the United States 22 years, but has never taken any steps toward acquiring citizenship.

The alien admits that he is a member of the Francisco Ferrer Association, an organization shown by the record to be anarchistic and having as its chief aim the diffusion

of radicalism and terrorism. Furthermore, the alien admits he is a member of the I. W. W., an organization whose doctrines of sabotage and destruction of private property promote anarchy. You will note also that the alien testified (p. 3) that he is a philosophical anarchist.

In my opinion, the charges in the warrant of arrest have been fully sustained. I therefore recommend the alien's deportation to Italy, the country whence he came.

(Signed) BYRON H. UHL,
Acting Commissioner.

BRIEF OF COUNSEL.

Alberto Guabello.—He had admitted that he is a philosophic anarchist, but he says he believes in law and order and would not try to overthrow the Government of the United States or of any other government by force and violence or by any other means. He is simply an idealist who has visions of the day when everybody will be good merely for the sake of good.

He says, however, that he believes in a police force and in the maintenance of law and order.

Counsel does not believe that he is the kind of person the legislators contemplated having deported when the various deportation acts were passed.

If released and given a chance, counsel believe that the authorities will never again have cause to take him to task. He promises to apply for citizenship papers on being released.

He has a wife and two children, born in America, facts that ought to be taken into consideration.

We respectfully pray that the authorities exercise leniency in this case and release him. He promises that he will never again have anything to do with anarchy. He certainly ought to be given a chance, put on probation, as it were, with the understanding that if he again transgresses, he will be summarily dealt with.

Respectfully submitted.

HENRY MARELLS.
JOS. GANDIELLE.

APRIL 5, 1920.

Memorandum for the Assistant Secretary:

In re Alberto Guarello, age 46; married, wife and two United States born children in United States of America; born, Italy; landed, New York, steamship *Navaralo*, 22 years ago; in detention.

Warrant of arrest issued in usual form and manner in this case, February 12, 1920, and alien accorded a hearing thereunder at Ellis Island, New York, February 25, 1920. No brief has been submitted by counsel for the alien. The alien has taken no steps to become a citizen of this country.

Alien was arrested in Italy before coming to this country for being a liberal radical, locked in jail for five months, after which he says he was released without a trial.

He has been 22 years in this country and has not taken one step to become naturalized. He is next observed in this country as having, in 1908, joined the Gruppo Anarchico L'Era Nuova, from the minutes of the meetings of which (introduced in evidence in this case) it will be seen was anarchistic in act as well as in name. This body met at the office of and conducted the newspaper *Era Nuova*, suppressed by the Government at the beginning of the war. He contributed and made donations to this paper. He remained in this organization until the beginning of the war, when the paper was suppressed, but whether the organization ceased at that time is doubtful, and it is hinted by the examining officer in his findings that the paper, supposedly suppressed when the war commenced, still continued to be printed in secret as late as March, 1919. Alien was at least active in the organization in May, 1915 (see minutes meeting of May 7), and this organization seemed to have been succeeded by the Ferrer Association in October, 1916, with which the alien seems at least equally active.

Alien is next noticed in connection with the Ferrer Association. This body seems to have had a very close connection with the organization referred to in the preceding paragraph. Note reference, page 1, Exhibit D, minutes meeting June 2, 1917. In September, 1917, same exhibit, page 2, minutes meeting September 13, the alien is noted as seconding a motion to dispense money to political victims and general propaganda. Alien seems to have dropped out, as far as the records show, until the fall of 1919, when he again became active, and his dues therein are noted paid to and including February, 1920. He states he didn't ask to see the program of the associa-

tion; that he knew what it was. He then states that he didn't subscribe to the program of the Ferrer Association, but in view of the fact of his former activity in this and other radical associations, coupled with the facts that he joined, paid dues, and got a membership card, wholly refutes any such self-serving declaration.

It is generally obvious that persons are not admitted to associations unless they subscribe to the rules, programs, etc., thereof. Much more careful would an organization of this nature be in regard to a detail of this nature. The exhibits introduced in the case show the Ferrer Association to be decidedly anarchistic from many angles—first, by declaration of their principles in program form, second, by contributing financial aid to radical purposes, third, by subscribing to a great variety of anarchistic and other radical papers, magazines, etc. Alien attended a meeting of the association two days before he was arrested and was placed on a committee on that date. Many declarations and manifestos were taken on warrant from this body or association, and introduced in the case.

Alien says he is a philosophical anarchist. This he states on page 2 to be "a state of society where every man will be so educated that it will not be necessary to impose anything on the people by violence or by laws. That's my ideal." He says that's his principle and belief. This he further amplifies, top page 4, "laws will not be necessary." He says this would be arrived at through "propaganda and education," the usual method pursued by radicals to disseminate their doctrines. Alien's connection with matters of a radical and anarchistic nature seems to be of long standing. His activities show he is an alien anarchist; that he believes in the overthrow by force or violence of the Government of the United States and advocates such doctrine; that he believes in and advocates the overthrow by force or violence of all forms of law; that he disbelieves in and is an opponent of all organized government. This is shown by alien's admissions and by the fact that he joined and subscribed to programs of organizations that all stood for such principles.

The examining officer recommends deportation, in which the acting commissioner at Ellis Island, N. Y., concurs.

The evidence submitted and adduced establishes, and the bureau finds, that this alien is in the United States in violation of law (act of October 16, 1918) and is subject to deportation therefor, this on the grounds, and it is so found, that he is an alien anarchist; that he believes in and advocates the overthrow by force or violence of the Government of the United States; that he believes in and advocates the overthrow by force or violence of all forms of law; that he disbelieves in and is an opponent of all organized government.

The bureau therefore recommends that the department issue its warrant for his deportation to Italy at Government expense.

A. CAMINETTI,
Commissioner General.

Cancel.

LOUIS F. POST,
Assistant Secretary.

ERNEST A. MAY DEPORTED TO CANADA AND BROUGHT BACK.

A person with a sense of humor should appreciate the case of Ernest A. May, bureau file 54717/11. In this case the alien was ordered deported to Canada, he being a citizen of that country. A warrant of deportation was issued and forwarded to the field officer at Detroit with instructions to deport the alien to Canada. The Assistant Secretary later decided to reopen the case and issued instructions accordingly, but, before his instructions reached Detroit, the field officer had accomplished the alien's deportation. Upon being advised that the alien had been deported, the Assistant Secretary immediately issued instructions by wire to the field officer to the effect that the alien was to be brought back from Canada and the original deportation proceeding reopened.

CASES OF LASSEFF ET AL.

A memorandum issued by the Assistant Secretary April 20, 1920, is very interesting, it reading as follows:

APRIL 20, 1920.

Memorandum

For: The Commissioner General of Immigration.

From: The Assistant Secretary.

Subject: In re A. Lasseff, No. 54810/964, Bondarenko, No. 54809/871, John Bolson, No. 54860/709.

Under date of April 9, 1920, aliens at Philadelphia charged with being in this country contrary to the act of Congress of October 16, 1918, addressed the following communication to the Secretary of Labor:

"Whereas, for the period of three months of our arrest we were not informed concerning our future destiny.

"Whereas, the majority of us, as the result of arrest, lost their employment, are economically utterly ruined and with no means for livelihood.

"Whereas, many of us have families with small children whose sole supporters we are.

"Whereas, we have committed no criminal offense, except having expressed our deepest devotion to our beloved mother country Russia, from which we were forcibly taken away.

"Whereas, the anger of employers, which is not hidden from us, and the impossibility of remaining at our old posts on account of being under arrest, for the purpose of obtaining work and means for livelihood.

"Therefore, we demand that we either be liberated or immediately deported into Soviet Russia, the country of which we are the citizens. In the first instance, to return the bails put in for us. In the second instance, to deport together with us our wives and children and give us at least 7 or 10 days' notice prior to our departure Submitted.

A. LOSSIEFF,
JOHN BOLSON,
S. BONDARENKO,
Committee on Resolution.

As the only names given are those of the committee who signed the address, theirs are the only cases to which attention can be given at this time. They are A. Lasseff, S. Bondarenko, and John Bolson.

An examination of the Bondarenko file (No. 54809/871) discloses the following facts: On December 12, 1919, a complaint against him (on information and belief derived from personal inquiries and investigations of employees of the Bureau of Investigation of the Department of Justice, by a special agent of that bureau) was made to the Department of Labor, whereupon, on December 29, 1919, a warrant of arrest under the act of October 16, 1918, was issued by the Acting Secretary, bail being fixed at \$10,000. Afterwards reduced to \$3,000, bail was given on February 4, 1920. The alien was thereupon released, having been in custody since January 2, 1920, a little more than one month. At his hearing on January 4, 1920, before an immigration inspector, it appeared that the alien has been in this country since 1913; that he was a member of the Communist Party, and that he was a secretary of one of its branches. The record of hearing did not reach the department until April 19, 1920.

Upon this record it is found that alien was a member of the Communist Party, a proscribed organization within the meaning of the act of October 16, 1918. It is therefore directed that alien be deported solely for membership in the Communist Party.

Examination of the file of A. Lossieff (54810/964) shows that the Secretary's warrant of arrest under the act of October 16, 1918, was issued December 23, 1919, with bail fixed at \$10,000; that the bail was afterwards reduced to \$1,000, which was given on January 5, 1920; that the alien was accorded a hearing before an immigrant inspector on January 5, 1920, and January 28, 1920; that from these hearings it appears that he has been in the United States since 1913; that he has a business of his own (suit cases); that he belongs to the Communist Labor Party, having joined the Socialist Party and remained with his branch after it affiliated with the Communist Labor Party, and that he continued to be knowingly a member of the latter organization. The record of hearing did not reach the department until April 19, 1920.

As the Secretary has not yet decided whether or not the Communist Labor Party comes within the proscription of the act of October 16, 1918, it is directed that action in this alien's case be deferred until the secretary shall have passed upon the legality of the Communist Labor Party.

The file of John Bolson (54860/709) shows that he was arrested by agents of the Department of Justice at a meeting of the Communist Party on January 2, 1920; that a warrant of the Secretary of Labor for his arrest was issued 12 days later (January 14, 1920) upon an affidavit of a Department of Justice agent, dated January 12, 1920, stating on information and belief (based upon personal inquiries and investigations by employees acting under his direction) that the alien was a member of the Communist Party. The alien was accorded a hearing on January 10 at the office of the Bureau of Investigation, Department of Justice, in the post-office building at Philadelphia before an immigrant inspector and a special agent of the Department of Justice, four days before the issue of the warrant of arrest, and on January 15, at the same place but before an immigrant inspector pursuant to the warrant of arrest. On the latter date the division superintendent at Philadelphia of the Bureau of Investigation of the Department of Justice certified that all the evidence available in the hands of his bureau had been submitted. Upon the evidence reported by the immigrant inspector it appears that the alien came to the United States in 1912; that he was a member of the "Russian Benevolent Association," of the "Russian Musician's School," and of the "Technical School of the Soviet Russia," none of which are shown to be within the proscription of the act of October 16, 1918; that he denied membership in the Communist Party, which is within the proscription of that act; that his name appeared in a list of members of that party, but there is no evidence of his having authorized the same; that alien denies membership in the "Union of Russian Workers" and other organizations within the proscription of the act of October 16, 1918, and there is no valid evidence of such membership in the record. The record in this case was transmitted to the Commissioner General of Immigration February 24, 1920, by the commissioner of immigration at Philadelphia. It came for the first time to the attention of the Department of Labor on April 19, 1920, in consequence of the address quoted above. The alien has been in prison ever since his arrest on the 2d of January, a period of more than two months and a half.

The charges in the warrant of arrest not having been sustained the warrant is hereby canceled.

LOUIS F. POST, *Assistant Secretary*

CASE OF SAM CRANE.

The case of Sam Crane, bureau file 54709/511, is one of interest. Crane was born in Canada, was well educated, taught school in Canada for some years, later studying law at Ann Arbor. He crossed the line between Canada and the United States a number of times, and finally, about 1906, settled in the city of Spokane, Wash., and shortly afterwards declared his intention to become a citizen of the United States. Within a short time after obtaining his first naturalization paper he made application to be admitted to the bar in the State of Washington, and at the time he made his application swore that he was then and there a citizen of the United States. He passed the bar examination and was admitted to practice law in that State. He immediately associated himself with radicals of all types, but principally with the I. W. W., and handled many of the legal matters for that organization. He also made public speeches for, or in the interest of said organization. He had many clashes with the city and county authorities, and being a large, strong man and a fighter, he was seldom arrested until after he had been completely overpowered by numbers, in each instance giving a good account of himself in the fight. At one time he started a fight in the court room where he was being tried on some charge, and it took six police officers to control him. The court room was wrecked. When the Communist Party came into existence he sympathized with and entertained their doctrine, still making public speeches.

He was disbarred from practice and enlisted in the British Army, went foreign, and it is reported spent most of his time in the guard-house. He was discharged in 1918 and returned to the United States through the port of New York, proceeding immediately to Spokane, where his wife and daughter had been supported almost entirely by the Red Cross during Crane's absence. After arriving at Spokane he himself asked for and received assistance from the Red Cross, and further assistance was rendered his family after his return. He renewed his radical activities and was finally arrested on a charge of criminal syndicalism. At the time of his arrest nearly 2 tons of I. W. W. sabotage literature was seized in his residence. He had never completed his citizenship in the United States and a deportation proceeding was started in which he was charged with being unlawfully in the United States, not only on grounds growing out of his activities against the Government of the United States, but on the ground that he had admitted the commission of a crime involving moral turpitude, and that at the time of his entry to the United States in 1918 he was a person likely to become a public charge. The "moral turpitude" charge was based on an admission made by him to the effect that he was not a citizen of the United States at the time he made oath that he was such in his application for admission to the bar, the crime being that of perjury. The record of his hearing is voluminous. Many of his radical speeches had been reported by a court reporter employed for that purpose by local authorities. Transcripts of these speeches were introduced in the deportation record after he had examined them and pronounced them correct. He was questioned regarding his beliefs and stated that he believed in changing the Government of the United States. He said, with reference to bringing that change about by the ballot, that he had favored the ballot once, but had gotten over that long ago. He stated that his doctrine was the communistic doctrine and that he had been spreading the same. The record was completed and eventually came to the Assistant Secretary for decision. The warrant of arrest was canceled by his orders.

Documents pertaining to this case read as follows:

SUMMARY AND FINDINGS.

The record in this case shows that Sam Crane, 50 years of age, was born in Canada, and is still a citizen of Canada; that he entered the United States with the intention of taking up a permanent residence in 1905, going to Spokane, Wash., where he located; that August 28, 1906, he declared his intention to become a citizen of the United States, and September 25, 1906, made application for admission to the bar of the State of Washington; that he was subsequently admitted to the bar, and practiced law in the city of Spokane up until 1917, during which time he appeared as attorney for the I. W. W. organization, and members of that organization arrested on various charges; that he also made public speeches on behalf of the organization; that a disbarment proceeding was started, and after a hearing before the State Board of Law Examiners for the State of Washington, held November 22, 1917, Crane was debarred from the practice of law in the State of Washington. He then enlisted in the Two hundred and twenty-third Mobile Company, Royal Engineers, British Army, holding No. W. R. 313370, and after a time in Canada was sent over the sea. He was discharged by the British Army Nov. 29, 1918, and returned to the United States on the steamer *Lapland* arriving at the port of New York in December, 1918, proceeding directly to Spokane, Wash. During his army service his wife and child, living in Spokane, were supported almost entirely by charity, through the Red Cross organization, and continued to draw money from the Red Cross organization after Crane returned to Spokane, he, himself, also being assisted by the Red Cross after his discharge from the Army.

The records of the Spokane police department show that from 1909 to 1919, Crane has been arrested periodically on various charges, principally violations of the city ordinances, and in the majority of cases convicted. He was also convicted in the Superior Court at Spokane, Wash., on a charge of slander, date of such conviction being July 14, 1915.

Upon his return to Spokane, Crane again took up his activities in connection with the I. W. W. organization, and continued his policy of public speaking on behalf of that organization and similar organizations, a number of his speeches were reported by a court reporter employed by the Spokane police department. A transcript of these speeches, which Crane at the time of his hearing examined and stated were correctly reported, are made exhibits in this case, and a careful reading of them in my opinion sustains the charge that he disbelieves in all organized government, and that he is an opponent of all organized government. In his testimony, pages 11 and 12, he states that he is a believer and advocator of the communistic system of government, advocated by Karl Marx, and set forth in the latter's communistic manifesto.

In Crane's residence at Spokane a ton or more of I. W. W. literature was seized. A list of the various I. W. W. pamphlets seized is attached to the record and made an exhibit in the case. Among the literature numerous copies of the I. W. W. song book, tenth edition, Joe Hill Memorial; Sabotage by Pouget; Sabotage, by Elizabeth Gurley Flynn; New Unionism, by Andre Tridom, and other extremely radical pamphlets were found.

The fact that such a large number of copies of these books were found in Crane's possession in my opinion is prima facie evidence of the fact that he had same for distribution, in spite of his explanation that same were given him to destroy. The large number of membership books, preamble and constitution, supply blanks, etc., which are continually used by the organization, and which he says were given him with the radical literature for destruction, discredit his story, as it would be equivalent to throwing money away for the organization to destroy supplies which they are continually using. The above-mentioned literature which, as I stated, in my opinion is prima facie evidence that Crane had same for distribution, together with Crane's statements with reference to his belief in and the fact that he had been advocating in favor of the communistic form of government, also supports the charges in the warrant with reference to his disbelief in all organized form of government and his opposition to all organized form of government. The testimony of City Attorney Hooper, called as a witness by Crane; Police Judge Witt, also called as a witness by Crane; Detectives Fordyce and Alderson, called as witnesses by the Government, all support the foregoing contention.

On page 3 of his testimony Crane, in my opinion, admits the charge contained in the warrant to the effect that he had committed a felony or other crime or misdemeanor involving moral turpitude prior to his entry to the United States in that he admits that in 1906 he made affidavit in his application to the Supreme Court of the State of Washington for admission to the bar to the effect that he was at that time a citizen of the United States. As a matter of fact, Crane is not and never was a citizen of the United States. He had declared his intention to become a citizen of the United States one month prior to the time he made the affidavit in court. He testified that he had studied law at Ann Arbor, Mich., prior to that time; that he was qualified to pass the bar examination, and did pass it, and he must, therefore, have known that a declaration of intention to be a citizen of the United States did not in any manner confer citizenship upon him. In my opinion he deliberately committed perjury at the time he secured his admission to the bar, and he unquestionably admits that act of perjury in his testimony on page 3.

Crane is a man above the average in intelligence and a forcible talker who unquestionably carries great influence among the radicals with whom he associates and a dangerous man to have spreading the doctrine which he has been spreading in the United States.

After carefully considering the testimony adduced in this case, I find Sam Crane to be an alien, a citizen of Canada; that he entered the United States through the port of New York on the steamship *Lapland* December, 1918; that he is a disbeliever in all organized government; that he is an opponent of all organized government; that he admits having committed a felony or other crime or misdemeanor involving moral turpitude prior to his last entry to the United States, and that he was a person likely to become a public charge at the time of said entry. I therefore recommend that he be ordered to the country whence he came or of which he is a citizen and subject in conformity with the law.

THOS. M. FISHER, *Immigrant Inspector.*

MARCH 26, 1920.

In re Sam Crane, aged 50; native of Canada; British subject; last entered the United States at New York, per S. S. *Lapland*, about December, 1918. Confined in jail at Seattle, in default of bond in the sum of \$2,000.

Memorandum for the Assistant Secretary:

Departmental warrant issued in this case November 26, 1919, pursuant to the acts of October 16, 1918, and October 5, 1917, it being alleged that he disbelieves in all organized government; that he is an opponent of all organized government, has been convicted, or admits having committed a felony or other crime or misdemeanor involving moral turpitude prior to his entry into the United States, and that he was a person likely to become a public charge at the time of his entry. He was accorded a hearing under the above-mentioned warrant at Spokane, Wash., December 3, 1919. Alien is an attorney at law, and conducted his own defense.

The record discloses in this case that the above named, Sam Crane, came to the United States from Canada about 1903, and lived in this country the greater part of the time from that time up to and until about 1917, when he enlisted in the British military forces, at Spokane, and returned to Canada, prior to embarking for service overseas. He is married, and has a wife and an American born child aged 10 years. His wife is a citizen of Canada, and both she and the child are living in Spokane. It appears that during his military service his wife and child received considerable assistance from the Red Cross organization.

The record further discloses that alien declared his intention to become a citizen of the United States in August, 1906, and one month later applied for admission to the bar, State of Washington, and was later admitted and practiced law in the city of Spokane, until 1917, and that in November, 1917, he was disbarred from the practice from the practice of law in the State of Washington; that, when he applied for admission to the bar, he made a fraudulent affidavit that he was a citizen of the United States; and, further, that during his residence in the United States prior to 1917, and subsequent to his return thereto in 1918, alien has been frequently arrested on various charges, principally disorderly conduct, and in most cases was convicted; that on June 23, 1919, he was arrested at Seattle (Spokane) on the charge of criminal syndicalism, and on July 2, 1919, was found guilty, and appealed, the appeal, so far as the record discloses, being still pending, and alien released on bail in the sum of \$2,800.

Alien admits that, at the time of his last-mentioned arrest, there was found a great quantity, about a ton, of I. W. W. literature, explaining that this literature had been taken from the I. W. W. by the United States Government, and that as the organization was paying storage charges on it, an officer of the organization suggested that he take it to his home for use as fire kindling, etc., inasmuch as the organization had directed that it be burned. He also admits that he has given away some of the literature (I. W. W. song books).

Witness M. M. Anderson, police officer, testified at the hearing that he was present when alien was being tried for criminal syndicalism about July 1, 1919; that, taking the stand in his own behalf, alien, in answer to questions put by the prosecuting attorney, made a statement in regard to the revolution, and when asked if he meant by ballot, testified that he did not, that he was foolish enough to do that at one time, but not any more. (The inference here is plain that he advocates force and violence.) Witness Anderson appears to have made a stenographic memorandum of alien's testimony at the trial, and Anderson's testimony is corroborated by another police officer, who also appeared as a witness at the hearing.)

The police judge who officiated at the trial was also called as a witness but could not recollect this particular testimony, while the prosecuting attorney, appearing as a witness at the hearing, testifying from his recollection, stated that the officer's statements were correct, at least in part—that he could not recollect positively all of the testimony on this particular subject.

Transcripts of a number of alien's radical speeches were introduced at the hearing and they will be found attached to the record, he having stated that same were, in general, true transcriptions.

The examining inspector recommends deportation, which recommendation is concurred in by the commissioner at Seattle.

The record in its present shape does not, in the bureau's opinion, contain sufficient evidence to sustain the first charge in the warrant, i. e., that alien is an opponent of all organized government. Nevertheless, considerable damaging testimony tending to establish this charge is introduced, consisting principally in the testimony of the two witnesses who testified as to alien's statements, to wit, that he no longer believed in the efficacy of the ballot, or that he used to be so foolish as to entertain that view, any longer; or, in substance at least, and in other words, that he advocates force and

violence; his statement to the effect that he indorses the communist manifesto by Carl Marx; his admission that he gave (or distributed) the Joe Hill memorial edition of the I. W. W. song book; his speeches and continued activities all going to show that he is a radical of the extreme type. Only the covers of the song book, Joe Hill memorial edition, were introduced as evidence at this hearing. It is possible that a complete exhibit of that edition might, in view of its distribution by alien, be sufficient to sustain the charge under discussion.

It is likewise held by the bureau that the evidence presented does not substantiate the second charge contained in the warrant, viz., that he has been convicted, or admits having committed a felony or other crime or misdemeanor involving moral turpitude prior to his entry into the United States.

The bureau is of the opinion, however, that the third clause—that he was a person likely to become a public charge at the time of his entry—has been clearly and definitely established. This, in view of his police record during the time of his prior residence in this country, which shows that, on account of his radical ideas and general disregard for law and order, he was periodically arrested and in continual conflict with the laws of the community in which he resided, the same conditions prevailing following his last arrival in December, 1918, all of which, when considered in connection with all of the other facts mentioned in this memorandum, shows that alien was clearly a person who should have been excluded at the time of arrival as a person likely to become a public charge.

The bureau, therefore, finds that this alien is in the United States in violation of law (act of Feb. 5, 1917) and is subject to deportation therefor, this on the ground, and it is so found, that he was a person likely to become a public charge at the time of his entry into the United States.

It is therefore recommended that the department issue its warrant for his deportation on that ground, such deportation to be to Canada at Government expense.

A. CAMINETTI, *Commissioner General.*

Deport:

Cancel as to all charges but l. p. c. (meaning likely to become a public charge). Suspend proceedings until judgment of State courts on appeal, meanwhile "relevant" (meaning release on his own recognizance).

LOUIS F. POST, *Assistant Secretary.*

[Department of Labor. Telegram.]

SEATTLE, WASH., April 2, 1920.

IMMIGRATION BUREAU,
Washington, D. C.:

Bureau telegram to-day. Case Sam Crane. State charge against him dismissed; account dismissed State charge. Advise as to release.

SARGENT.

(9.30 a. m., Apr. 3.)

APRIL 8, 1920.

(54709/511.)

In re Sam Crane.

Supplemental memorandum for the Assistant Secretary.

The facts in this case are recited at some length in the bureau's memorandum of the 26th ultimo. You directed at that time that the warrant be considered as canceled as to all charges but one, viz: That the alien was a person likely to become a public charge at the time of his entry. You further directed that the proceedings be considered as suspended pending determination of the alien's case in the courts, where it was then pending. A telegram has now been received from the Seattle office advising that the charges against the alien have been dismissed in the State court. As this presumably ends the case, in so far as the courts are concerned, the alien is now in the hands of the immigration authorities by virtue of the outstanding administrative warrant for arrest.

The continued presence in the United States of this alien, who seems to be dissatisfied with our form of government, would, according to his past history and his apparent indisposition to alter his views and confine his activities to lawful channels, be decidedly inimical to the best interests of the Government and to the peace of any community in which he may reside or to which he may go.

The bureau again recommends that the department issue its warrant for the deportation of this alien on the ground that he was a person likely to become a public charge

at the time of his entry. It is believed that the facts and circumstances amply support such a finding.

A. CAMINETTI, *Commissioner General*.

Deport.

The charges against alien for criminal syndicalism having been dismissed on appeal, the warrant herein is canceled.

LOUIS F. POST, *Assistant Secretary*.

APRIL 13, 1920.

The position of the Department of Labor with regard to alien members of the I. W. W. organization is not taken up in this report. Your investigator finds that for some reason alien members of this organization are not often deported. Particular cases with the papers in connection are ready to be presented if it is desired by the committee.

The CHAIRMAN. As a result of previous inquiries another sub-committee has asked for copies of papers in the cases of Alexis Georgian, Andrechtyne, Ross McGregor, and several others.

Mr. BLACKWOOD. Yes; the copies are ready.

The CHAIRMAN. They will be taken up later.

Mr. BLACKWOOD. It might be well to inform the committee that at the time of making this statement the Secretary of Labor has not ruled as to the status of alien members of the Communist Labor Party. Many such cases are pending.

Cases of admission under bond or parole of hundreds of feeble-minded aliens have not been presented in detail but can be presented in a supplementary report if desired.

Lists of additional cases of the types mentioned in this report are attached hereto with descriptive headings.

The CHAIRMAN. The report and documents presented by Mr. Blackwood will be printed as a hearing and presented to the full Committee on Immigration and Naturalization for the information of its members and for the information of the Members of the House of Representatives.

APPENDIX A.

Alleged anarchist cases in which Assistant Secretary ordered stay of deportation for stated periods as shown below.

Case number.	Stay.	Case number.	Stay.
54809/704...	6 months (bond).	54861/138...	Released on recognizance until further order.
54810/558...	6 months (alien paroled).	54859/551...	Do.
54859/580...	3 months.	54861/323...	3 months (bond).
54811/729...	3 months (released meanwhile).	54861/261...	Do.
54860/14...	3 months (released meanwhile).	54859/660...	Do.
54860/961...	Do.	54859/956...	Do.
54860/494...	3 months (bond).	54809/291...	Do.
54860/334...	3 months.	54859/897...	Do.
54860/351...	3 months (personal recognizance).	54809/93...	Do.
54860/768...	3 months (bond).	54861/213...	Do.
54709/757...	3 months.	54859/922...	3 months (personal recognizance).
54700/759...	30 days (bond).	54709/297...	3 months.
54709/760...	Do.	54859/162...	3 months (bond).
54359/563...	2 months.		

*Cases in which no review by bureau or memoranda submitted by commissioner general.
Warrant canceled by Assistant Secretary.*

Case No.	Date canceled.	Assistant Secretary's comment.	Case No.	Date canceled.	Assistant Secretary's comment.
54860/785	Apr. 5, 1920	Communist. Do. U. of R. W. Alleged Communist. Do. Do. Do. Do. 54861/3 54810/22	54860/788	Apr. 4, 1920	Alleged Communist.
54860/782	do.....		54861/287	do.....	Alleged Communist, labor party.
54860/920	do.....		54860/749	do.....	Alleged Communist.
54861/60	do.....		54861/144	do.....	U. of R. W.
54809/960	do.....		54860/791	do.....	Do.
54860/756	do.....		54709/149	Apr. 2, 1920	Alleged Communist.
54809/952	do.....		54860/917		
54809/958	do.....		54861/3		
54860/917			54709/743	Apr. 2, 1920	Alleged communist.
54861/3			54861/287	Apr. 5, 1920	Alleged communist, labor party.
54810/22	Apr. 2, 1920	Alleged Communist, stay of proceedings 3 months. Inspector in charge be in- structed to report at end of that time, and alien released meanwhile on \$1,000 bond.	54809/959	do.....	Stay proceedings 6 months, inspector in charge to be in- structed to report at end of that period.
54860/781	Apr. 5, 1920	Alleged Communist.	54861/277	Apr. 6, 1920	U. of R. W.
54860/788	do.....	Do.	54809/958	Apr. 5, 1920	Alleged communist.
54809/959	do.....	Stay proceedings 6 months. Inspector in charge to be in- structed to report at end of that period.	54860/24	do.....	
			54859/425		
			54861/263		
			54811/994		
			54860/718		
			54709/336		

WARRANTS CANCELED—ALIENS RELEASED.

The following is a list of cases, including file number, of aliens arrested for violation of the act of October 16, 1918, in which the evidence adduced supported the charge, namely, that they belonged to one of the organizations coming within the scope of said act; and in which the examining inspector recommended deportation, his superior officer concurring; the Commissioner General of Immigration, after reviewing the record, recommended that the department issue a warrant of deportation; the record then going to the assistant secretary, who canceled the warrant of arrest and ordered the alien released from custody, without comment.

Name.	No.	Name.	No.
Kazimieras Shirvinskas	54861/218	Anton Kaczinski	54811/778
Andrew Framich	54859/745	Sergis Zaykoff	54810/168
Joseph Kapec	54860/45	Mike Pryhoda	54809/528
John Plezia	54709/883	Adam Szymanski	54811/739
Elia Korenewsky	54809/51	Evan Pagnueack	54811/945
Samuel Misnik	54860/682	Nikolai Bilecki	54709/845
Juazopas Joisris	54861/204	Luras Kohan	54859/996
Nickifor Drodg	54859/758	Mike (Mijo) Vrevich	54860/491
Joseph Shalich	54860/48	Juosoz Zibrickas	54861/226
Wail Karchun	54859/432	Joseph (Joe) Dorich	54860/42
Ignac Kovach	54810/578	Martin Marczewski	54859/620
Joseph Tkachuk	54859/683	Paul Petrusanec	54861/107
Morris Schnipman	54379/526	Fred Huk	54860/9
J. Bendoravicius	54859/903	Wasily Samosuk	54859/749
J. Mikolaiczak	54809/65	Maxim Fotorash	54859/770
Joe Peokdpchik	54859/633	George Jasinski	54859/792
John Bilows	54861/77	Esther Berman	54379/27
Kasmir Sosnowski	54859/650	Jakim Makohon	54809/506
Pimen Polansky	54809/837	Christani Romanuk	54859/661
Semion Koncevich	54709/669	Paul Harmiter	54860/23
J. Grinkevich	54709/940	John Rajtkov	54861/188
Joseph Fedorovich	54809/448	Wasyi Hutnik	54860/339
Sam Kritten	54809/486	Paul Rusec	54860/903
Matyw Sushick	54860/340	Feodor Barashko	54709/662
Jurgis Petrikenas	54861/214	John Krisow	54809/484
Kondrad Znaydno	54709/665	Konstanty Jankowski	54859/557
Sergius Dakimuk	54810/38	Alex Chepeka	54709/660
Boris Koshko	54860/925	Nick Kosek	54809/477
Nick Zamry	54809/840	Tomasz Kozak	54860/707
Franciszek Kosniz	54859/946	Stanley Kolowski	54859/438
Alexander Savage	54859/649	Peter Samodunoff	54709/941
Sauva Moroz	54709/664	Albert August Erdman	54859/145
Mike Siretsky	54859/668	Steve Nomansky	54860/719
Joe Furick	54861/2	Nicholas Ledniuk	54809/493
Mike Korenchuk	54859/465	Elia Tourajchuk	54809/559

Name.	No.	Name.	No.
Wladislaw Wojtalik.....	54860/625	Josef Robak.....	54859/810
E. Kaluga.....	54809/467	James Edward Smoleroff.....	54709/755
Mike Sovak.....	54859/169	Anthony Ulick.....	54709/657
John Buczynski.....	54859/703	Joe Will.....	54859/790
Nikifor Ivanstchenko.....	54809/828	Jonas Walksnoras.....	54861/225
Frank Kruger.....	54859/717	Maz Posenick.....	54859/936
Stanislaw Gawalek.....	54859/954	Speredon Chernij.....	54869/725
Eftuck Okoshuk.....	54811/750	Louis Oroby.....	54860/943
Makary Falachuk.....	54860/974	Alexander Griechuk.....	54859/773
Wilan Wilkanzky.....	54859/896	Wasily Medisky.....	54811/941
Mike Olezachyck.....	54859/798	Martin Turchanyi.....	54811/760
William John Millars.....	54859/733	Teodor Krowczyk.....	54809/483
S. Nanmovetz.....	54860/344	Foma Beredsuk.....	54811/591
Gregory Lysak.....	54859/729	Morris Weinraub.....	54810/997
John Griskevich.....	54860/360	Joseph Niedzielksi.....	54859/921
Jan Krawczynszyn.....	54639/34	Zahari Orichuk.....	54809/360
Peter Rovenchuk.....	54859/732	Ona Tamanasukas.....	54861/223
Pallas Smailys.....	54859/739	Konstantin Kokotliwy.....	54859/975
Frank Brodowicz.....	54859/728	W. Irbe.....	54860/389
Anthony Mishkovich.....	54809/228	George Cerise.....	54860/12
John Pycel.....	54859/636	Tony Blaciach.....	54811/983
Povilas Tamanasukas.....	54861/224	Gregory Chechet.....	54860/33
Joseph Orabka.....	54811/728	Stefan Dergant.....	54860/968
Solomon Bosin.....	54809/422	Aftanas Kospoud.....	54810/577
Jacob Thompson.....	54859/685	Boris Bernard Aronoff.....	54859/121
Ignacy Fery.....	54861/42	Mike Derra.....	54860/583
John Ambrus.....	54809/616	Milos Polyansky.....	54810/632
Jurgis Czigus.....	54860/658	Gjuro Andros.....	54810/508
Neumt Supranski.....	54859/674	Vincent Zorovski.....	54859/737
Feliz Szenura.....	54859/783	Louis Selybi.....	54861/283
John Szalay.....	54809/591	Alex Hurros.....	54859/173
Evan Rilka.....	54709/656	Pusan Basarich.....	54809/139
Frank Makas.....	54859/732	Gregory Polik.....	54860/63
Wladyslaw Jankowski.....	54809/466	John Kiss.....	54859/606
Victor Wardzinkewicz.....	54859/687	Edwin Lacher.....	54709/634
Iven Poliszuk.....	54860/800	Theodor Nikituk.....	54860/574
Vladimir Lisuk.....	54859/742	Joe Makowiecki.....	54709/993
Kastontas Talzumas.....	54860/876	Vasili Lavrichuk.....	54809/497
Julian Rutzinsky.....	54859/986	Dimitry Dvorak.....	54860/855
Anthony Furman.....	54859/377	Nathan Breskin.....	54860/826
Joe Caryn.....	54859/343	John Lewkuc.....	54809/496
Alexander Gorski.....	54809/455	Jacob Bowman.....	54811/492
Julian Koren.....	54859/391	Kohorny Andruschuk.....	54859/845
Semo Mrmos.....	54709/734	Jos Rive.....	54811/946
John Popka.....	54709/146	Watzlaw Chapla.....	54859/731
Stanley Monkiewicz.....	54859/858	Dansill Acheff.....	54709/611
Paul Andres Luder.....	54861/249		
Matd Stipeich.....	54860/368	Total.....	164

Cancellations of warrants by the Assistant Secretary in cases where the field officers and the bureau recommended deportation.

No.	Name.	Date.	No.	Name.	Date.
54811/553	Victor Kasparunas.....	Apr. 14, 1920	54809/122	Wyace Boachuk.....	Apr. 16, 1920
54811/560	Kazimer Biknios.....	Apr. 15, 1920	54809/675	Mike Machenke.....	Apr. 6, 1920
54860/650	John Akelaitis.....	Do.	54891/247	Marie Friedman.....	Apr. 16, 1920
54859/473	Frank Kofka.....	Do.	54860/683	Kozys Stratuclus.....	Do.
54861/120	Catharine Hartog Bloom ¹	Do.	54860/656	I'eter Buhal.....	Apr. 6, 1920
54859/466	John Kawalski.....	Apr. 16, 1920	54860/670	Eva Lapeno ¹	Apr. 17, 1920
54809/298	John Androchuk.....	Apr. 15, 1920	54709/952	Joseph Budris.....	Apr. 16, 1920
54809/560	Paul Towkach.....	Do.	54859/323	Pedosity Matzipluk.....	Do.
54859/242	Chariton Dubina.....	Do.	54860/176	Timofey Kuhareako.....	Do.
54811/575	Anton Janusas.....	Apr. 13, 1920	54810/698	Philip Bilinsky.....	Do.
54860/688	Mike Sowochnick.....	Apr. 5, 1920	54859/475	Mike Malchewski.....	Apr. 15, 1920
54860/649	Anton aklatis (Akalatis).....	Apr. 15, 1920	54859/271	Clara Markell.....	Apr. 17, 1920
54861/197	Morta Akelaiteine.....	Do.	54859/491	Joseph Flechuk ²	Do.
54859/470	Joe Stolik ¹	Apr. 16, 1920	54859/283	Mollie Perlman.....	Apr. 20, 1920
54859/472	Lookis Kzaaced ¹	Apr. 15, 1920	54830/332	Victor Page.....	Do.
54811/603	Paul Roxansky ¹	Do.	54859/489	Julius Timosherich ²	Apr. 16, 1920
54860/97	Fanny Bayer.....	Apr. 15, 1920	54809/36	Joseph Gradishko.....	Apr. 15, 1920
54861/219	Texla Stakoninto.....	Do.	54811/922	Richard Mayer.....	Apr. 19, 1920
54810/362	Sam Lagransky.....	Do.	54511/827	Mischa Biderman.....	Apr. 17, 1920
54811/528	Mrs. Selma Nelson.....	Do.	54860/754	Gregory Rabakan.....	Apr. 19, 1920
54811/903	Peter Kulokoski.....	Apr. 3, 1920	54861/78	Ignatz Kislow.....	Apr. 17, 1920
54861/139	Mary Kochanski.....	Mar. 30, 1920	54810/4	Benedict Salaveickas.....	Apr. 19, 1920
54860/691	Ray Valentas.....	Apr. 16, 1920			

¹ Stay proceedings 3 months. Inspector in charge report at end of that period.

² Examining officer makes no recommendations.

³ Examining inspector and inspector in charge make no recommendations.

MISCELLANEOUS CASES.

- 54859/543.
 54809/254. (Bureau recommends decision this case be held in abeyance six months. School for technical aid for Soviet Russia.)
 54859/728.
 54810/814.
 54859/881. (Examining officer and acting commissioner at Boston recommended cancellation. Commissioner general recommended he be deported.)
 54809/874. (Examining officer and commissioner general recommend deportation. Acting commissioner Baltimore recommended final action be deferred.)
 54860/143.
 54859/305.
 54860/798.
 54809/875.
 54809/919.
 54860/742.
 54859/884.
 54860/227.
 54810/761.
 54810/28.
 54810/891.
 54859/712.
 54709/676.
 54811/449.
 54860/352.
 54859/670.
 54859/880.
 54860/914.
 54859/12.
 54809/300.
 54809/890.
 54709/785.
 54861/82.
 54860/932.
 54809/918.
 54859/560.
 54809/635.
 54859/815.
 54859/645.
 54809/642.
 54811/522.
 54860/326.
 54810/139. Department directs stay of proceeding for three months, April-6.
 54861/137.
 54859/528.
 54859/864.
 54680/317.
 54709/321.
 54718/58. Feeble-minded—department cancels warrant—bureau recommended deportation.
 54809/608.
 54861/321.
 54810/139. Examining inspector and inspector in charge recommend deportation—approved by bureau—department directs stay of proceedings for three months.
 54860/608.
 54810/104.
 54709/163. This man appears to have been particularly active in the Communist Party, much correspondence being filed as exhibits.
 54709/554. Bureau recommends holding final decision in abeyance for six months—department cancels warrant.
 54810/115. Bureau approves recommendation of examining inspector and Commissioner of Immigration that alien be deported. The department cancels.
 54859/354.
 54810/239.
 54861/162. This alien is an Italian anarchist, member of Ferrer Association and the I. W. W.

54859/655. (Detroit.)

54860/134.

54811/996.

54809/281. The inspector in charge recommended that this alien be permitted to leave country on his own account and that the bond be canceled—Commissioner General recommends deportation. Department sustains inspector.

54861/382. Overrules bureau on placing bond at \$5,000.

54811/991.

54859/424. Examining inspector recommends deportation—Inspector in charge at Minneapolis recommends cancellation of warrant—Bureau recommends deportation.

54859/415.

54809/606.

54860/567. } Examining inspector recommends deportation—Commissioner at Seattle
54860/514. } recommends cancel—Bureau recommends deportation—Department
54860/570. } cancels.

54859/61.

54860/966.

54860/595.

54810/104.

54860/608.

54810/261.

54860/152.

54709/562. (Bureau recommends stay of 6 months—Department cancels.)

54861/258. (Examining inspector recommends hold in abeyance for six months—Department recommends deportation—Bureau cancels.)

54861/258.

54860/863.

54859/325. (Examining officer and acting commissioner at Ellis Island recommend final decision be deferred 6 months—Bureau recommends deportation—Department cancels.

54860/907.

54860/290. The examining officer and the acting commissioner at Ellis Island concur.—Bureau recommends deportation.—Department cancels.

54709/682.

54860/918. This case was not passed upon by the bureau.—Department made following notation: "Deport solely for membership in the Communist Party." Louis F. Post, Assistant Secretary, April 7, 1920.

54811/366. } Examining inspector and inspector in charge recommend deportation.—
54860/899. } Bureau concurs—Department directs stay proceedings three months.—
54809/280. } Inspector in charge to be instructed to report at end of that period.

54861/252.

54859/20.

54859/562. Examining officer recommends cancellation.—Inspector in charge and bureau recommend deportation.—The department cancels.

54709/986.—A. The examining inspector and inspector in charge recommend deportation and so does the bureau.—Department concurs. This is interesting case. The record is very heavy; hearing lasting three days and all testimony transcribed in the record,

54861/154. Member Ferrer Association of Anarchists.—Active member of the I. W. W. antimilitarist, and antireligious. There are many exhibits in this case.—The examining officer and inspector in charge recommended cancellation.—Bureau recommends deportation.—Department cancels.

54709/823. David Barly, a Russian, ordered deported April 2, 1920, and on the 7th, 1920, his case was reopened on petition of Frank X. Martel, business representative Detroit Federation of Labor.—This is sample of the men invading the educational institutions as instructors.

54709/744.

54860/498. Canceled.—Bureau recommends deportation.

54709/123. Canceled.—Bureau recommends deportation.

54810/222. Canceled.—Bureau recommends parole.

54811/204. Canceled.—Bureau recommends deportation.

54809/884. Canceled.—Bureau recommends deportation.

54811/927. Canceled.—Bureau recommends parole.

54811/981. Canceled.—Bureau recommends parole.

54860/169. Canceled.—Bureau recommends deportation.

- 54809/738. Canceled.—Bureau recommends deportation.
- 54859/224. Canceled.—Bureau recommends deportation.
- 54860/168. Canceled.—Bureau recommends deportation.
- 54709/155. Canceled.—Bureau recommends deportation.
- 54709/463. Canceled.—Inspector and inspector in charge bureau recommend deportation.
- 54379/368. Bureau recommended cancellation, memorandum had word "approved"; same erased and word "canceled" substituted by A. S.
- 54709/463. Canceled.—All recommended deportation.
- 54709/768. Warrant of arrest reads: Parole; own recognizance.
- 54809/393. Examining inspector recommended deportation.—Commissioner concurs.—Commissioner General recommends deportation.—Assistant Secretary cancels with memorandum reading, "Not consciously a member of the proscribed organization. 4/1-20."
- 54859/211.
- 54859/302.
- 54810/778. No records with memorandum.
- 54860/154. The examining inspector recommends deportation; the acting commissioner at New York recommends cancellation.—The bureau recommends deportation.—The department cancels.
- 54810/30. No memorandum prepared by bureau.—Examining officer and inspector in charge recommend deportation; department directs stay proceedings three months.
- 54861/263. The department passes on case without brief from bureau. Cancels warrant.
- 54811/994.
- 54709/499.
- 54709/529. Passed on by department without memorandum from bureau directing stay proceedings for 3 months and reduces bail to \$1,000 from \$2,500.
- 54810/346.
- 54709/685.
- 54709/163. The Bureau of Immigration prepared its memorandum on January 6, 1920, recommending deportation. Examining officer and commissioner at Boston recommended deportation. The Acting Secretary, Mr. Post canceled warrant on April 8, 1920. The attorney in this case for the alien is Harry C. Edlin, New Haven, Conn.
- 54709/756. Martin Abromovitch, alias Martin Abern, the assistant commissioner directs this man be deported on following grounds: "Solely for membership in the Communist Party" which is written in ink over the signature of Louis F. Post, Acting Secretary.
- 54861/51. Ex-inspector and Com. Rec. Dept. Bureau rec. and Department A. S. "Stay proceedings 3 months, meanwhile alien to be released on his own recognizance. 4-13-20."
- 54861/52. Ex-inspector Com. & Bureau Rec. Dept. A. S. cancels. 4-13-20.
- 54860/773. Case almost identical with above A. S. orders "Deport". 4/13/20.
- 54860/771. Ex Imp. Com. & Bureau Rec. deport 1301-W A. S. "Stay proceedings 3 months. Alien meantime to be released on his own recognizance. 4-13.
- 54859/402.
- 54859/914. Examining inspector recommends deportation. Commissioner at Baltimore recommends action be suspended for 6 months. The bureau recommended deportation. The department cancels.
- 54861/256. The following notation in ink: "The alien is evidently bidding for free transportation to Russia at the expense of the U. S. As he joined the Communist Party several months before the proscribed organization of that name existed and has not done enough to confirm membership since its existence, his case is hardly strong enough to justify the expense. April 8, 1920. L. P. F.
- 54860/731.
- 54809/691. Examining inspector recommends deportation. Commissioner at Baltimore recommends further action be suspended for six months. Bureau concurs with the commissioner. Department cancels.
- 54860/832.
- 54709/616.
- 54859/245.
- 54810/767.

- 54861/260. The examining inspector who is in charge of the district recommends that decision be held in abeyance for six months. This is concurred in by the bureau. The department cancels.
- 54811/998. Bureau recommends alien remain on bond until he can be deported. Department cancels.
- 54709/691. The examining officer and inspector in charge recommended deportation; approved by the bureau and department directs "Stay proceedings 3 months. Inspector in charge to be instructed to report at end of that period, and alien is meanwhile to be released on his own recognizance."
- 54809/293. Examining officer, inspector in charge, and bureau recommend deportation. Department cancels with following remarks in ink: "The alien is not an anarchist, is not a believer in physical violence, but in the ballot, and never knew the constitution of the Communist Party, nor signed its membership application."—Signed, Louis F. Post.
- 54861/261. Deportation recommended by examining inspector in charge at Pittsburgh, Pa., and the bureau concurred. The department directs: "Stay proceedings three months, inspector in charge to be instructed to report at end of that period and alien to be released own recognizance."
- 54709/990. Deportation recommended by bureau and inspectors. Department directs: "Stay proceedings for three months; inspector in charge to be instructed to report at end of that time."
- 54859/629. Examining inspector, inspector in charge, and commissioner general recommend deportation. Assistant Secretary cancels, with following notation: "Affiliation to be within statute must be of the nature of membership."—L. F. P. 3/13-20.

(The committee has lists of names and file numbers of 200 or more additional cases where immigration inspectors and the Immigration Bureau recommended that the department issue deportation warrants; that warrants of arrest were canceled by the Assistant Secretary of Labor and the alien ordered released by the same official.)

APPENDIX B.

DEPORTATIONS ON U. S. TRANSPORT "BUFORD."

The CHAIRMAN. At this point I will place in the record the digest of cases deported on the transport *Buford* December 21, 1919, which digest was prepared by direction of this committee by A. W. Parker.

(Mr. Parker's letter transmitting the report and the report itself follow:)

MARCH 10, 1920.

Hon. ALBERT JOHNSON,

*Chairman Committee on Immigration and Naturalization,
House of Representatives, Washington, D. C.*

MY DEAR MR. JOHNSON: I have now completed and am transmitting herewith a digest of the cases of the 249 aliens who were deported by the Bureau of Immigration on December 21, 1919, by the Army transport *Buford*, and who were delivered on January 17, 1920, to the American vice consul at Hango, Finland, and who were conveyed from that point, under Finnish military escort, to the soviet Russian frontier, over which they crossed on January 19, 1920.

The digesting of these records proved to be even a more extensive work than I had first apprehended. I deemed it important that the digest should be complete and also methodical, and that every possible precaution should be taken to prevent any errors from creeping in. I therefore examined each record separately and in detail, checking against the records individually such preliminary memoranda as had already been prepared in the Bureau of Immigration with regard to the cases. I have grouped the cases to the fullest extent possible, and so far as feasible have arranged them in numerical order (by the bureau's numbers), within the several groups.

Very truly, yours,

A. WARNER PARKER.

DESCRIPTIVE DIGEST OF THE CASES OF 249 ALIENS DEPORTED TO RUSSIA ON THE ARMY TRANSPORT "BUFORD" IN DECEMBER, 1919.

All of these aliens were of Russia nationality. Most of them were arrested by immigration officials in pursuance of the act of Congress approved October 16, 1918, amending the provisions of the immigration law relating to aliens of those classes which have come to be commonly denominated as the "anarchistic classes." Wherever arrests were made pursuant to any other law than the act of October 16, 1918, that fact is indicated. The cases fall into two general groups, and are so arranged.

FIRST. ALIENS DEPORTED ON THE GROUND OF MEMBERSHIP IN OR AFFILIATION WITH ANARCHISTIC ORGANIZATIONS.

The organization, membership in which was charged with respect to this group of cases, is that body known as the "Russian Workers' Union." Said organization was held by the Department of Labor, soon after that department's attention was first directed thereto, to be one of those contemplated by so much of sections 1 and 2 of the act of October 16, 1918, as places in the classes of aliens to be expelled from the United States those "who are members of or affiliated with any organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or that advocates or teaches the unlawful destruction of property."

The following excerpts from the constitution of the Russian Workers' Union will sufficiently indicate the reasons why the Department of Labor held that such organization was within the scope of the provisions of law just quoted:

"Modern society, is divided into two opposite classes. On the one hand are the disinherited workers and peasants (farmers), who, by their labor created the entire wealth of the world; and on the other hand, the rich, who have taken possession of all this wealth.

"The class of disinherited rose repeatedly in revolt against the parasitic rich and against their handmaiden and protector (the State) for the purpose of fully emancipating themselves from the yoke of capital and authority. * * *

"The struggle between these classes continues up to now and will terminate when the toiling masses, organized as a class, will understand their true interests and will, by means of the forcible social revolution, take possession of the entire wealth of the world.

"Having accomplished such an upheaval and having destroyed at the same time all the institutions of the State and authority the class of the disinherited will have to proclaim a society of free-producers. * * *

"In furtherance of our aim, we place in the forefront, the necessity to create a wide revolutionary class organization of the toilers."

The specific charge on which each member of the following group, composed of 181 aliens, was deported reads as follows:

"That he is a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that teaches disbelief in all organized government."

Immigration Bureau No.	Name of alien.	Place of arrest.	Date of arrest.
54248/20	Naum Stepanuk.....	Cleveland, Ohio.....	Dec. 12, 1917
54235/151	John Tarasyk.....	do.....	Do.
54235/158	Paul Krachie.....	do.....	Do.
54235/159	Leo Haskewich.....	do.....	Do.
54616/133	Kronagi Workolf.....	Pittsburgh, Pa.....	June 12, 1919
54616/156	Thomas Prosk.....	New Haven, Conn.....	Apr. 29, 1919
54616/222	Anton Trzpiot.....	Cleveland, Ohio.....	June 11, 1919
54709/21	Daniel Levczuk.....	Buffalo, N. Y.....	Nov. 13, 1919
54709/103	Wm. Lowna.....	Elizabeth, N. J.....	Nov. 25, 1919
54709/109	John Brunert.....	Baltimore, Md.....	Nov. 14, 1919
54709/111	Iwan Novikoff.....	New York.....	Nov. 21, 1919
54709/112	Dimitri Panko.....	do.....	Nov. 9, 1919
54709/113	Mike Seegan.....	do.....	Nov. 10, 1919
54709/117	Maxim Chinejko.....	do.....	Nov. 9, 1919

Immigra- tion Bureau No.	Name of alien.	Place of arrest.	Date of arrest.
54709/117	Iwan Veremink	New York	Nov. 5, 1919
54709/118	Arthur Lesiga	do.	Dec. 4, 1919
54709/119	Peter Novick	do.	Nov. 10, 1919
54709/125	Gregory Melnikoff	do.	Nov. 11, 1919
54709/128	Harry Schatz	do.	Nov. 8, 1919
54709/137	Anton Andronsuk	Buffalo, N. Y.	Nov. 13, 1919
54709/140	Leo Chijefsky	do.	Nov. 17, 1919
54709/141	Stanislaus Chijeosky	do.	Nov. 15, 1919
54709/145	Gregory Koroviansky	do.	Nov. 17, 1919
54709/151	Vladimir Borisink	Hartford, Conn.	Nov. 7, 1919
54709/158	Steve Kaminsky	New York	Nov. 10, 1919
54709/161	Effim Kochovetz	Hartford, Conn.	Nov. 22, 1919
54709/164	Anani Nazarczuk	do.	Nov. 8, 1919
54709/166	John Philisoph	do.	Nov. 14, 1919
54709/171	George Wolkoff	do.	Nov. 21, 1919
54709/177	Mihal Yarosevich	East Youngstown	Nov. 10, 1919
54709/178	Andrew Jarosevich	do.	Nov. 9, 1919
54709/181	Gordic Stolatchuk	do.	Do.
54709/184	Iwan Sanko	do.	Nov. 6, 1919
54709/185	Andy Sereck	do.	Nov. 14, 1919
54709/186	Demian Roznuk	do.	Nov. 9, 1919
54709/187	Trofin Momotuk	do.	Do.
54709/193	Simon Kulish	do.	Do.
54709/195	Paul Krupka	do.	Do.
54709/199	George Kaltejika	Youngstown, Ohio	Do.
54709/203	Andrew Dedinszka	do.	Do.
54709/207	Zenow Bogen	Hartford, Conn.	Nov. 17, 1919
54709/208	Frank Biacharski	Youngstown, Ohio	Nov. 9, 1919
54709/210	Mickael Lestchuk	Philadelphia, Pa.	Nov. 11, 1919
54709/212	Peter Urkevitch	do.	Do.
54709/214	George Garoshkow	Greensburg, Pa.	Nov. 12, 1919
54709/220	Roman Mosichuk	Philadelphia, Pa.	Nov. 13, 1919
54709/223	Jacob Zboromirsky	Greensburg, Pa.	Nov. 12, 1919
54709/227	Vasil Koniakin	Akron, Ohio	Nov. 8, 1919
54709/231	John Kaneanoff	do.	Nov. 10, 1919
54709/236	Joe Wassilenko	Hartford, Conn.	Nov. 8, 1919
54709/241	Fred. Soloneki	do.	Dec. 8, 1919
54709/256	Mark Kulish	do.	Dec. 7, 1919
54709/260	John Martinowski	do.	Nov. 7, 1919
54709/272	Roman Andrink	New York	Nov. 9, 1919
54709/273	Abe Brook	do.	Nov. 8, 1919
54709/275	Dora Lipking	do.	Nov. 9, 1919
54709/277	Benj. Afanasievitch	do.	Nov. 6, 1919
54709/278	Bosis Schatz	do.	Nov. 10, 1919
54709/284	Necita Zafronia	do.	Nov. 9, 1919
54709/305	Mike Szerba	Baltimore, Md.	Nov. 19, 1919
54709/309	Ossip Stepanoff	Buffalo, N. Y.	Nov. 18, 1919
54709/317	Fred. Yarovoy	Philadelphia, Pa.	Nov. 13, 1919
54709/318	Paul Holowkin	Baltimore, Md.	Nov. 21, 1919
54709/320	Andreï Balash	Hartford, Conn.	Nov. 11, 1919
54709/322	Estafy Sulawka	do.	Nov. 17, 1919
54709/324	Mike Shwelkus	do.	Nov. 11, 1919
54709/325	John Denczyk	do.	Do.
54709/326	Tony Kurson	do.	Do.
54709/327	Porfery Onishsenko	Buffalo, N. Y.	Nov. 8, 1919
54709/328	Yefin Tadzizieg	Baltimore, Md.	Do.
54709/329	Paul Jacimoff	Philadelphia, Pa.	Nov. 11, 1919
54709/330	Wasily Waschuk	do.	Do.
54709/331	Nikita Eskimashko	do.	Nov. 14, 1919
54709/332	John Kozy	do.	Nov. 13, 1919
54709/337	Nikolai Ochrimuk	New York	Nov. 10, 1919
54709/338	John Newar	do.	Nov. 11, 1919
54709/339	Tony Federaco	do.	Do.
54709/340	Daniel Rice	do.	Nov. 10, 1919
54709/342	Joe Koza	do.	Nov. 11, 1919
54709/345	Nikolai Kuropato	do.	Nov. 8, 1919
54709/347	Andrew Lazarewicz	do.	Nov. 10, 1919
54709/348	Michail Sawicki	do.	Nov. 11, 1919
54709/350	John Ermola	do.	Do.
54709/351	Peter Urgel	do.	Do.
54709/352	Alexander Konol	do.	Nov. 8, 1919
54709/353	Andrew Hostilla	do.	Nov. 10, 1919
54709/356	Mathew Podlipsky	do.	Do.
54709/358	Boris Keretchuk	do.	Nov. 8, 1919
54709/363	Ivan Koslik	do.	Nov. 10, 1919
54709/364	Theodor Proshkovich	do.	Nov. 8, 1919
54709/365	Thomas Furs	do.	Do.
54709/369	Maxim Worobey	Hartford, Conn.	Nov. 28, 1919
54709/371	Steve Prokopowich	do.	Nov. 12, 1919
54709/373	Konstantin Demianovich Draco	do.	Nov. 27, 1919
54709/375	Wladzimar Arehliuk	do.	Nov. 12, 1919
54709/376	Nicholas Mlaverausky	do.	Nov. 21, 1919
54709/377	Terentias Leonof	do.	Nov. 25, 1919
54709/378	Mike Zdanowich	do.	Do.

Immigra- tion Bureau No.	Name of alien.	Place of arrest.	Date of arrest.
54709/380	John Gushchia.....	Hartford, Conn.....	Nov. 24, 1919
54709/381	Lukey Shohidro.....	do.....	Do.
54709/382	Michael Deminavich Butskevich.....	do.....	Nov. 28, 1919
54709/384	Mike Legeze.....	do.....	Nov. 24, 1919
54709/385	Dimitry Yasinusky.....	do.....	Nov. 11, 1919
54709/386	Anton Kotlak.....	do.....	Nov. 25, 1919
54709/388	Mike Visko.....	do.....	Nov. 20, 1919
54709/389	Wasily Balick.....	do.....	Nov. 26, 1919
54709/390	Ivan Dainlovich.....	do.....	Do.
54709/391	Anthony Anislenia.....	do.....	Nov. 25, 1919
54709/393	Nestor Michaelovich Sheleg.....	do.....	Nov. 28, 1919
54709/394	David Suhov.....	do.....	Nov. 25, 1919
54709/395	Paul Nestoruck.....	do.....	Nov. 26, 1919
54709/396	Konstantin Romanchuk.....	do.....	Do.
54709/397	Ivan Nabagez.....	do.....	Nov. 24, 1919
54709/398	Zachary Vaseyko.....	do.....	Nov. 25, 1919
54709/400	Nestor Walter Zubko.....	do.....	Nov. 12, 1919
54709/402	Jacob Kowalevich.....	do.....	Do.
54709/403	Ignac Worobien.....	do.....	Nov. 18, 1919
54709/405	Samuel Barkowsky.....	do.....	Nov. 19, 1919
54709/411	Alexander Seretvnik.....	do.....	Nov. 24, 1919
54709/420	Louis Kostevich.....	Baltimore, Md.....	Nov. 10, 1919
54709/421	Hawril Michnewitz.....	Hartford, Conn.....	Nov. 13, 1919
54709/431	James Mandeloe.....	Greensburg, Pa.....	Nov. 19, 1919
54709/447	Harry Skochuk.....	New York.....	Nov. 11, 1919
54709/449	Joseph Poluleck.....	do.....	Nov. 13, 1919
54709/451	Yakim Denisuk.....	Chester, Pa.....	Nov. 11, 1919
54709/454	Edm Kolesnikoff.....	New York.....	Nov. 15, 1919
54709/455	Tony Korscheikoff.....	do.....	Do.
54709/456	Anton Lipsky.....	do.....	Nov. 21, 1919
54709/457	Louis Ristick.....	do.....	Nov. 10, 1919
54709/461	Harry Wodnor.....	do.....	Nov. 15, 1919
54709/475	Andy Prauka.....	Greensburg, Pa.....	Nov. 21, 1919
54709/476	Ortiub Tsubrick.....	do.....	Do.
54709/477	Andrew Geray.....	do.....	Do.
54709/478	Andy Chigraeff.....	do.....	Do.
54709/479	Jacob Berov.....	do.....	Nov. 19, 1919
54709/484	Nikifor Zharko.....	Baltimore, Md.....	Nov. 26, 1919
54709/485	Michael Zatyn.....	do.....	Do.
54709/489	Michael Lawriumk.....	New York.....	Nov. 17, 1919
54709/496	Ilya Kovalsky.....	Ansonia, Conn.....	Nov. 7, 1919
54709/498	Peter Magyar.....	Cleveland, Ohio.....	Nov. 11, 1919
54709/500	Boroos Borsuk.....	do.....	Sept. 18, 1919
54709/512	Andy Smal.....	Youngstown, Ohio.....	Nov. 21, 1919
54709/513	Peter Herasevich.....	do.....	Do.
54709/516	Leon Chrikaluik.....	Greensburg, Pa.....	Nov. 26, 1919
54709/518	Thomas Zayats.....	do.....	Do.
54709/520	Frank Nikolaeff.....	do.....	Do.
54709/521	Mike Yanish.....	do.....	Do.
54709/522	Feodor Kushnareo.....	South Bethlehem, Pa.....	Mar. 4, 1919
54709/524	Egor Matveevich Feskow.....	Hartford, Conn.....	Nov. 27, 1919
54709/525	Wasily Ivanovich Tarasiak.....	do.....	Do.
54709/526	Kiril Fengol.....	do.....	Nov. 21, 1919
54709/527	Peter Mirinovich.....	do.....	Nov. 27, 1919
54709/528	Konstantin Petrashka.....	do.....	Nov. 20, 1919
54709/536	Wasily Maliewsky.....	Akron, Ohio.....	Nov. 26, 1919
54709/539	William Lukow.....	Youngstown, Ohio.....	Dec. 2, 1919
54709/540	Yakow Cewook.....	do.....	Do.
54709/541	Nik Telatitski.....	do.....	Dec. 1, 1919
54709/542	Engui Starikevich.....	do.....	Dec. 2, 1919
54709/543	Peter Dolzag.....	do.....	Dec. 1, 1919
54709/545	John Konik.....	do.....	Do.
54709/546	Gordei Sheika.....	do.....	Nov. 25, 1919
54709/583	Sergei Saychuk.....	Baltimore, Md.....	Nov. 28, 1919
54709/586	Orteof Sahtabnog.....	Fairmont, W. Va.....	Dec. 2, 1919
54709/588	Konstantin Skorokod.....	do.....	Dec. 3, 1919
54709/589	George Voloh.....	do.....	Dec. 1, 1919
54709/593	Basil Belusoff.....	do.....	Dec. 2, 1919
54709/594	William Yaukum.....	do.....	Do.
54709/598	Theodore Kristtop.....	do.....	Dec. 1, 1919
54709/600	Prokopy Losioff.....	do.....	Do.
54709/601	Vasil Kozlov.....	do.....	Do.
54709/602	Evan Elko.....	do.....	Dec. 3, 1919
54709/603	Arhip Libed.....	do.....	Do.
54709/604	Maysey Voleshnyuk.....	do.....	Do.
54709/605	Artemy Pauluk.....	do.....	Dec. 2, 1919
54709/606	Parfem Tabenko.....	do.....	Dec. 1, 1919
54709/607	Yakim Novik.....	do.....	Dec. 2, 1919
54709/614	Luka Katchanov.....	Hartford, Conn.....	Dec. 6, 1919
54709/622	Ivan Morgolenkow.....	Baltimore, Md.....	Dec. 3, 1919
54709/627	Andrew Mazaruck.....	New York.....	Dec. 5, 1919
54709/649	Samuel Kanowich.....	do.....	Dec. 12, 1919
54709/696	Nicolai Volosuk.....	Bethlehem, Pa.....	Mar. 6, 1919

Each member of the following group, composed of three aliens, was deported upon the ground "that he is affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that he is affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States, and that he is affiliated with an organization that teaches disbelief in all organized government," the evidence procured being sufficient to establish affiliation, but not sufficient to show actual membership.

Immigration Bureau No.	Name of alien.	Place of arrest.	Date of arrest.
54709/225	Ewstife Swenko.....	Akron, Ohio.....	Nov. 10, 1919
54709/308	Anton Stepanoff.....	Buffalo, N. Y.....	Nov. 15, 1919
54709/579	Efreem Potenkin.....	Greensburg, Pa.....	Nov. 26, 1919

SECOND. ALIENS DEPORTED ON MISCELLANEOUS GROUNDS.

With the exception of a few cases, placed at the very end of this list, the aliens classified under this heading were deported on charges placing them within the classes commonly called the anarchistic; and even some of those deported on charges having no direct reference, of themselves, to the anarchistic classes, were proceeded against because there was no lack of moral certainty, although direct legal proofs were not available, that such aliens did belong to the anarchistic classes.

Immigration Bureau No. 54616/123.

Name of alien, Pavel Melvicoff.

Place of arrest, San Francisco, Calif.

Date of arrest, May 3, 1919.

"That he is an alien anarchist."

Immigration Bureau No. 54616/89.

Name of alien, Frank Brodia.

Place of arrest, Pittsburgh, Pa.

Date of arrest, May 7, 1919.

"That at the time of his entry into the United States he was an alien anarchist, and that after his entry into the United States he has continued to be an alien anarchist."

Immigration Bureau No. 54709/217.

Name of alien, Michael Deitktrow.

Place of arrest, Pittsburgh, Pa.

Date of arrest, November 11, 1919.

"That he is an alien anarchist; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that teaches disbelief in all organized government."

Immigration Bureau No.	Name of alien.	Place of arrest.	Date of arrest.
54709/276	Vincent Martzin.....	New York, N. Y.....	Dec. 12, 1919
54709/379	Kirio Fedyk.....	Hartford, Conn.....	Nov. 21, 1919
54709/609	Sam Orloff.....	Morgantown, W. Va.....	Dec. 1, 1919

Each deported upon the ground "That he is an alien anarchist; that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that teaches disbelief in all organized government."

Immigration Bureau No. 54709/591.

Name of alien, Andrew Lopitsky.

Place of arrest, Fairmont, W. Va.

Date of arrest, December 2, 1919.

"That he is an alien anarchist; that he is an opponent of all organized government; that he is a member of or affiliated with an organization that advocates the overthrow

by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that teaches disbelief in all organized government."

Immigration Bureau No. 54616/24.

Name of alien, Steipan Zedik.

Place of arrest, Baltimore, Md.

Date of arrest, February 19, 1919.

"That he is an alien anarchist; that he has been found advocating or teaching anarchy."

Immigration Bureau No. 54616/29.

Name of alien, Adolph Schrabel-Delass.

Place of arrest, Pittsburgh, Pa.

Date of arrest, February 17, 1919.

"That he is an alien anarchist; that he has been found advocating or teaching anarchy; that he disbelieves in all organized government; that he is an opponent of all organized government; that he is a member of or affiliated with an organization that entertains disbelief in all organized government; and that he is a member of or affiliated with an organization that entertains opposition to all organized government."

Immigration Bureau No.	Name of alien.	Place of arrest.	Date of arrest.
54616/134	Michael Belest.....	Pittsburgh, Pa.....	Apr. 8, 1919
54616/221	David Eelak.....	do.....	July 19, 1919

"That he is an alien anarchist; and that he disbelieves in all organized government."

Immigration Bureau No.	Name of alien.	Place of arrest.	Date of arrest.
54709/341	Tom Turka.....	New York, N. Y.....	Nov. 11, 1919
54709/99	Nicholas Wasilieff.....	do.....	Nov. 10, 1919

"That he is an alien anarchist; that he disbelieves in all organized government; and that he is an opponent of all organized government."

Immigration Bureau No.	Name of alien.	Place of arrest.	Date of arrest.
54709/474	Anthony Lovonetsky.....	Greensburg, Pa.....	Nov. 19, 1919
54709/97	John Duboff.....	New York, N. Y.....	Nov. 5, 1919
54709/535	Fred Gazeycg.....	Akron, Ohio.....	Nov. 24, 1919

"That he is an alien anarchist; that he disbelieves in all organized government, and that he is an opponent of all organized government; that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States, and that he is a member of or affiliated with an organization that teaches disbelief in all organized government."

Immigration Bureau No. 54616/176.

Name of alien, Efgram Kovalenko.

Place of arrest, Pittsburgh, Pa.

Date of arrest, May 12, 1919.

"That he is an anarchist; that he was likely to become a public charge at time of entry, and that he entered without inspection."

Immigration Bureau No.	Name of alien.	Place of arrest.	Date of arrest.
54379/125	George Cyzyk	Cleveland, Ohio	Feb. 25, 1918
54709/453	Michel Abrossemof	New York, N. Y.	Nov. 15, 1919
54709/544	Jim Komar	Youngstown, Ohio	Dec. —, 1919
54709/534	Frank Kowalawich	Akron, Ohio	Nov. 24, 1919
54709/590	Peter Novokoff	Fairmont, W. Va.	Dec. 2, 1919
54709/201	Jacob Jackotonsky	Youngstown, Ohio	Nov. 9, 1919

"That he is an alien anarchist; that he believes in the overthrow by force or violence of the Government of the United States; that he advocates the overthrow by force or violence of the Government of the United States; that he disbelieves in all organized government; that he is an opponent of all organized government; that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that teaches disbelief in all organized government."

Immigration Bureau No. 54616/173.

Name of alien, Dimitri Iwaniuk.

Place of arrest, Camden, N. J.

Date of arrest, May 7, 1919.

"That he has been found advocating and teaching the overthrow by force or violence of the Government of the United States."

Immigration Bureau No.	Name of alien.	Place of arrest.	Date of arrest.
54616/117	Alexander Chernoff	Waterbury, Conn.	Mar. 26, 1919
54709/625	Tehon Krassnoff	Fairmont, W. Va.	Dec. 2, 1919

"That he is an alien anarchist; that he believes in the overthrow by force or violence of all forms of law; that he advocates the overthrow by force or violence of the Government of the United States; that he advocates the overthrow by force or violence of all forms of law; and that he is a member of or affiliated with an organization that entertains disbelief in and is opposed to all organized government."

Immigration Bureau No. 54709/647.

Name of alien, Thos. P. Buhkanov.

Place of arrest, New York, N. Y.

Date of arrest, December 14, 1919.

"That he is an anarchist; that he believes in the overthrow by force or violence of the Government of the United States; that he disbelieves in all organized government; that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that teaches disbelief in all organized government."

Immigration Bureau No. 54616/106.

Name of alien, Nicholas Mihaeloff.

Place of arrest, Newark, N. J.

Date of arrest, March 12, 1919.

"That he is an alien anarchist; that he advocates the unlawful destruction of property; that he advocates the assassination of public officials; and that he entered without inspection."

Immigration Bureau No. 54709/116.

Name of alien, Hyman Perkus.

Place of arrest, New York, N. Y.

Date of arrest, November 10, 1919.

"That he is an anarchist; that he disbelieves in all organized government; that he is an opponent of all organized government; and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that

teaches the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that teaches disbelief in all organized government."

Immigration Bureau No.	Name of alien.	Place of arrest.	Date of arrest.
52410/43	Alexander Berkman.....	Federal Penitentiary, Atlanta, Ga.	Aug. 13, 1919
52410/43	Emma Goldman.....	Federal Penitentiary, Jefferson City, Mo.	Sept. —, 1919

"That he (she) is an alien anarchist; that he (she) has been found advocating or teaching anarchy; that he (she) has been found teaching the overthrow by force or violence of the Government of the United States or of all forms of law; that he (she) believes in the overthrow by force or violence of the Government of the United States; that he (she) believes in the overthrow by force or violence of all forms of law; that he (she) advocates the overthrow by force or violence of the Government of the United States; that he (she) advocates the overthrow by force or violence of all forms of law; that he (she) advocates the assassination of public officials; that he (she) disbelieves in all organized government; and that he (she) is an opponent of all organized government."

Immigration Bureau No. 54235/32.

Name of alien, Morris Becker.

Place of arrest, Federal Penitentiary, Atlanta, Ga.

Date of arrest, October 27, 1917.

Act of 1917: "That he has been found advocating and teaching anarchy."

Immigration Bureau No. 54649/62.

Name of alien, Alexay Nishanoff.

Place of arrest, Detroit, Mich.

Date of arrest, February 12, 1919.

"That he has been found advocating or teaching anarchy; that he was likely to become a public charge at time of entry; and that he entered without inspection."

Immigration Bureau No. 54554/23.

Name of alien, Mickal Kudreyko.

Place of arrest, New York.

Date of arrest, July 28, 1918.

Act of 1917: "That he has been found advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law, or the assassination of public officials; that he was a person likely to become a public charge at the time of his entry; and that he entered without inspection."

Immigration Bureau, No. 54379/534.

Name of alien, John Janson.

Place of arrest, Laramie, Wyo.

Date of arrest, July 8, 1918.

Act of 1917: "That he has been found advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States, or of all forms of law, or the assassination of public officials; and that he was a person likely to become a public charge at the time of his entry."

Immigration Bureau, No. 54379/101.

Name of alien, Kazis Maskalunas.

Place of arrest, Seattle, Wash.

Date of arrest, January 31, 1918.

Act of 1917: "That he has been found advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law, or the assassination of public officials; that he has been found advocating or teaching the unlawful destruction of property; and that he was a person likely to become a public charge at the time of his entry into the United States."

Immigration Bureau No. 54616/82.

Name of alien, Hussein Tagieff.

Place of arrest, Detroit, Mich.

Date of arrest, February 28, 1919.

Act of 1917: "That he has been found advocating or teaching the overthrow by force or violence of the Government of the United States."

Immigration Bureau No. 54616/235.

Name of alien, William Bendick.

Place of arrest, Cleveland, Ohio.

Date of arrest, June 26, 1919.

"That he has been found advocating or teaching the overthrow by force or violence of the Government of the United States; and that he has been found advocating or teaching the assassination of public officials."

Immigration Bureau No. 54407/17.

Name of alien, Fredk. H. Berger.

Place of arrest, San Francisco, Calif.

Date of arrest, February 19, 1918.

Act of 1917: "That he has been found advocating or teaching anarchy; that he was an anarchist or person who disbelieved in or was opposed to organized government at the time of his entry into the United States; and that he was a person likely to become a public charge at the time of his entry."

Immigration Bureau No. 54709/34.

Name of alien, Sam Meshkov.

Place of arrest, Pittsburgh, Pa.

Date of arrest, August 13, 1919.

"That he advocates the unlawful destruction of property; and that he teaches the unlawful destruction of property."

Immigration Bureau No. 54709/94.

Name of alien, Fredor Antonchick.

Place of arrest, New York.

Date of arrest, December 4, 1919.

"That he advocates the overthrow by force or violence of the Government of the United States."

Immigration Bureau No. 54616/25.

Name of alien, Max Brazelia.

Place of arrest, S. Louis, Mo.

Date of arrest, March 5, 1919.

"That he believes in the overthrow by force or violence of the Government of the United States, and that he advocates the overthrow by force or violence of the Government of the United States."

Immigration Bureau No. 54709/674.

Name of alien, Alexander Derkoch.

Place of arrest, New York, N. Y.

Date of arrest, December 14, 1919.

"That he is an alien anarchist; that he believes in the overthrow by force or violence of the Government of the United States; that he advocates the overthrow by force or violence of the Government of the United States; and that he disbelieves in all organized government; and that he is an opponent of all organized government."

Immigration Bureau, No. 54709/357.

Name of alien, Alfons Hajdak.

Place of arrest, New York.

Date of arrest, November 10, 1919.

That he is a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that teaches disbelief in all organized government; and that he believes in the overthrow by force or violence of the Government of the United States.

Immigration Bureau, No. 54616/135.

Name of alien, Alex. Antaouff.

Place of arrest, Pittsburgh, Pa.

Date of arrest, April 4, 1919.

That he disbelieves in all organized government.

Immigration Bureau No.	Name of alien.	Place of arrest.	Date of arrest.
54616/115...	Marcus Oradovsky.....	New York.....	July 2, 1919
54709/144...	Barnet Kirson.....	Buffalo, N. Y.....	Nov. 12, 1919
54709/592...	Sam Colbus.....	Fairmont, W. Va.....	Dec. 2, 1919
54709/608...	Mike Orloff.....	Morgantown, W. Va.....	Dec. 1, 1919

That he disbelieves in all organized government; that he is an opponent of all organized government; that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that teaches disbelief in all organized government.

Immigration Bureau No. 54616/115.

Name of alien, Ethel Bernstein.

Place of arrest, New York, N. Y.

Date of arrest, November 9, 1919.

"That she is an alien anarchist; that she advocates the overthrow by force or violence of the Government of the United States; that she disbelieves in all organized government; that she is an opponent of all organized government."

Immigration Bureau No. 54616/115.

Name of alien, Peter Bianky.

Place of arrest, New York, N. Y.

Date of arrest, March 21, 1919.

"That he believes in the overthrow by force or violence of all forms of law; that he disbelieves in all organized government; that he is an opponent of all organized government; that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that teaches disbelief in all organized government."

Immigration Bureau No. 54616/115.

Name of alien, Arthur Ketzas.

Place of arrest, New York, N. Y.

Date of arrest, June 19, 1919.

"That he is an alien anarchist; that he believes in the overthrow by force or violence of all forms of law; that he disbelieves in all organized government; that he is an opponent of all organized government; and that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; and that he is a member of or affiliated with an organization that teaches disbelief in all organized government."

Immigration Bureau No. 54709/584.

Name of alien, Alex. Vinik.

Place of arrest, Morgantown, W. Va.

Date of arrest, December 1, 1919.

"That he was likely to become a public charge at the time of his entry."

(Was charged with I. W. W. and other radical connections and activities.)

Immigration Bureau No. 54616/239.

Name of alien, Alexander Shkilunk.

Place of arrest, Fort Leavenworth, Kans.

Date of arrest, July 1, 1919.

"That he was likely to become a public charge at the time of his entry."

(Was in penitentiary for refusing to serve in Army—had radical ideas—in favor of Russian Soviet Government.)

Immigration Bureau No. 54616/172.

Name of alien, Michail Gernet.

Place of arrest, Detroit, Mich.

Date of arrest, May 2, 1919.

"That he was likely to become a public charge at the time of entry, and that he entered by water at a time or place other than as designated by immigration officials."

(Evidence indicated but did not clearly prove anarchistic beliefs.)

Immigration Bureau No. 54616/16.

Name of alien, Pete Pawlas.

Place of arrest, Cleveland, Ohio.

Date of arrest, January 31, 1919.

"That he was likely to become a public charge at the time of his entry into the United States, and that he entered without inspection."

(Evidence indicated but did not establish radical beliefs and activities.)

Immigration Bureau No. 54616/170.

Name of alien, Iwan Fedosky.

Place of arrest, Detroit, Mich.

Date of arrest, April 29, 1919.

"That he was likely to become a public charge at the time of his entry and that he entered without inspection by means of false and misleading statements."

(Evidence indicated but did not establish radical beliefs and activities.)

Immigration Bureau No. 54709/68.

Name of alien, Ketia Fedrovich Molkowsky.

Place of arrest, Seattle, Wash.

Date of arrest, September 13, 1919.

"That he was a contract laborer at the time of his entry having been induced, assisted, encouraged, or solicited to migrate to this country by an offer or promise of employment, or in consequence of an agreement, oral, written, or printed, express or implied, to perform labor of any kind, skilled or unskilled in the United States; and that he was a person likely to become a public charge at the time of his entry."

(The evidence indicated but did not establish radical beliefs and activities.)

Immigration Bureau No. 53986/77.

Name of alien, Jankel Baiger.

Place of arrest, Philadelphia, Pa.

Date of arrest, September 1, 1916.

Act of 1917. "That he was likely to become a public charge at the time of his entry into the United States."

(While arrested in September, 1916, warrant for deportation did not issue until June 26, 1919, because he was in the penitentiary serving a sentence for larceny.)

Immigration Bureau No. 54545/43.

Name of alien, Osipoff Kurinski.

Place of arrest, Omaha, Nebr.

Date of arrest, January 30, 1919.

"That he was likely to become a public charge at the time of his entry into the United States."

(Was mentally weak before he came to this country, and became worse under new environment.)

Immigration Bureau No. 53678/601.

Name of alien, Samuel Lemberg.

Place of arrest, Federal Penitentiary, Atlanta, Ga.

Date of arrest, April 24, 1914.

"That he has been found receiving, sharing in, and deriving benefit from the earnings of a prostitute."

Act of 1907-1910. (While alien was arrested in April, 1914, deportation warrant was not executed until December, 1919, as he was serving a sentence of 8 years in Atlanta Penitentiary.)

Immigration Bureau No. 54542/2.

Name of alien, Sebastian Canzor.

Place of arrest, Seattle, Wash.

Date of arrest, August 7, 1918.

Act of 1917. "That his ticket of passage to the United States was paid with the money of another, or that he was assisted by others to come to the United States; and that he was a person likely to become a public charge at the time of his entry."

(Was in bad shape—his friends contributed money to get him back to Russia.)

Immigration Bureau No.	Name of alien.	Place of arrest.	Date of arrest.
54255/28....	Mike Shell.....	Western Penitentiary, Rockview, Pa.	June 12, 1918
54379/280...	Grant Seelof.....	State Penitentiary, Waupum, Wis.	May 9, 1918
54408/4.....	Joseph Mucha.....	State Penitentiary, Monroe, Wash.	Apr. 18, 1918

Act 1917.—"That he has been sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude within five years after his entry into the United States, and that he was a person likely to become a public charge at the time of his entry."

I. W. W. DEPORTATION CASES

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON IMMIGRATION AND NATURALIZATION

HOUSE OF REPRESENTATIVES

SIXTY-SIXTH CONGRESS

SECOND SESSION

APRIL 27 to 30, 1920

STATEMENT OF W. A. BLACKWOOD

**REPORTS IN THE CASES OF VARIOUS ALIENS
TRANSFERRED FROM SEATTLE, WASH., AND
OTHER POINTS TO ELLIS ISLAND, N. Y., FOR
DEPORTATION, AND THEREAFTER RELEASED**



WASHINGTON

GOVERNMENT PRINTING OFFICE

1920

COMMITTEE ON IMMIGRATION AND NATURALIZATION.

HOUSE OF REPRESENTATIVES.

SIXTY-SIXTH CONGRESS.

ALBERT JOHNSON, Washington, *Chairman*.

ISAAC SIEGEL, New York.

HAROLD KNUTSON, Minnesota.

ROSCOE C. McCULLOCH, Ohio.

J. WILL TAYLOR, Tennessee.

JOHN C. KLECZKA, Wisconsin.

WILLIAM N. VAILE, Colorado.

HAYES B. WHITE, Kansas.

KING SWOPE, Kentucky.

ADOLPH J. SABATH, Illinois.

JOHN E. RAKER, California.

RILEY J. WILSON, Louisiana.

BENJAMIN F. WELTY, Ohio.

JOHN C. BOX, Texas.

L. B. RAINEY, Alabama.

P. F. SNYDER, *Clerk*.

I. W. W. DEPORTATION CASES.

COMMITTEE ON IMMIGRATION AND NATURALIZATION,
HOUSE OF REPRESENTATIVES,
Tuesday, April 27, 1920.

A subcommittee, called by Chairman Johnson, met at 10 a. m., April 27, and continued its sessions at intervals until Friday, April 30.

The CHAIRMAN. After the committee inquiry at Ellis Island in November, 1919, the files in certain immigration cases were called for. Inquiry was also commenced into many cases which occurred prior to November 1, 1919. Later the call for these papers was suspended owing to the congestion in the office of the Commissioner General of Immigration, accounted for by reason of the arrests of communists, anarchists, and members of the Union of Russian Workers, to the number of several thousand. At the meeting of the committee, last night, Mr. Blackwood was asked to present digests of, and statements concerning deportation cases taken from various parts of the United States to New York, and there released. Mr. Blackwood is ready to begin the presentation of that matter.

STATEMENT OF MR. W. A. BLACKWOOD.

MR. BLACKWOOD. I have here copies of data taken from the files of the Bureau of Immigration, pertaining to cases of aliens ordered deported, brought from distant points to Ellis Island for deportation, and then released either on a small bond or on parole or personal recognizance. Attention is called to the fact that two or more memoranda appear in many of these cases, also to the summary of the examining inspector copied from many of the cases and which seems to set forth fairly the facts adduced by the testimony. The second memorandum leads to the release.

All of the cases so released are not treated on, as the files of several could not be located.

Attention is called to the fact that in releasing these aliens the memorandum recommending such release often stated that the case was identical with that of Sam Nelson, an alien whose release had been ordered by Federal Judge Hand. This statement is not borne out by the facts as shown by the records. In the Nelson case Judge Hand's decision shows nothing had been introduced into the original deportation record to prove the nature of the I. W. W. organization. In practically all of the other cases abundance of evidence was introduced showing the nature of that organization. This was the vital point in the Nelson case according to the decision before mentioned.

This decision of Judge Hand's, on which much stress is placed in memoranda regarding the release of many of the aliens, reads as follows:

MEMORANDUM IN THE CASE OF NELSON, WRIT OF HABEAS CORPUS, BEFORE JUDGE AUGUSTUS H. HAND, APRIL 10, 1919.

In the case of *ex parte* Bernat, decided by Judge Neterer, there appears to have been documents at the hearing which discloses to my mind quite a different record from the one presented here. In this case the relator explicitly denies that he advocates the destruction of property. Such a denial, of course, may be expected in cases where a relator does in fact advocate active sabotage; but, in the face of his denials, which are uniform, some other evidence must appear substantiating the charge for which he is being deported. The only thing that I can derive from the record is that he believes that there is an irreconcilable conflict between employer and employee and he believes that fruits and even instruments of production belong to the laborer. This is a doctrine of socialism which may or may not be worked out by peaceful means, and I find no evidence in the record that destruction of property was advocated or intended by the relator.

For the foregoing reasons, the writ is sustained, and the relator discharged.

Received April 12.

CASE OF JOHN MORGAN.

The case of John Morgan, bureau file 54379/18, is mentioned in the final memorandum as being like that of Sam Nelson. The record, however, supports the statement that the comparison was not correct, as in this case an abundance of evidence was introduced to show the character of the I. W. W. organization.

The various memoranda pertaining to this case read as follows:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington.

1. Full name of person arrested: John Morgan.
2. Number of case (Bureau of Immigration file): 54379/18.
3. Date of warrant of arrest: January 15, 1918.
4. Charge upon which arrest was made: That he has been found advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law, of the assassination of public officials, and that he was a person likely to become a public charge at the time of his entry into the United States.
5. Date and place of arrest: January 15, 1918, Everett, Wash.
6. Disposition of case: Warrant of deportation to England at Government expense issued December 3, 1918. Transferred to Ellis Island for deportation. Writ of habeas corpus applied for and in anticipation of adverse decision alien was paroled on own recognizance.
7. Status of case at present: Pending.

54379/18.

In re John Morgan; aged 34; native of Ireland, or Irish race; subject of Great Britain; entered from Canada, without inspection, at Detroit, Mich., in 1912.

Memorandum for the acting secretary:

The above-named alien was arrested at Everett, Wash., on the grounds that he has been found advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law, or the assassination of public officials, and that he was a person likely to become a public charge at the time of his entry into the United States.

This man is considered by the examining officers to be above the average of his class in intelligence. He denied his belief in the tenets of the I. W. W. organization and the fact that he had read or was in any way familiar with the literature published by it. He admitted, however, when confronted with positive proofs, that he had distributed I. W. W. literature at various times. Receipts and copies of letters in the file will show that he had been in correspondence with prominent I. W. W. members.

It should be observed that, while (necessarily) repeated references are made to the I. W. W. and alien's membership therein, it is not alien's membership, but what

he has done, as exemplified by the record as a whole, that is being considered as evidence against him.

The bureau recommends that the alien be deported to England at Government expense, when possible, on the ground that he has been found advocating and teaching the unlawful destruction of property; that charge been stipulated into the record with his attorney's assent. Pending deportation he should be released under Rule 17-A.

A. CAMINETTI, *Commissioner General*.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary*.

No. 54379/18.

MARCH 14, 1919.

In re John Morgan.

Supplemental memorandum for the Acting Secretary:

This case has been again carefully reviewed by the bureau in the light of statements made by attorneys Lowe and Recht when they recently made an oral argument before the bureau. The record clearly shows, however, that the alien distributed literature teaching the unlawful destruction of property. It does not seem that anything new can be presented in alien's behalf. As stated in the bureau's previous memorandum, while (necessarily) repeated references are made in the record to the I. W. W. and alien's membership therein, it is not such membership, but what the alien has done, as exemplified by the record as a whole, that was considered against him when the bureau and department finally reached the conclusion to issue a warrant for his deportation, which warrant issued under date of December 3, 1918.

It is recommended that the petition for reopening be denied.

A. CAMINETTI, *Commissioner General*.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary*.

No. 54379/48.

APRIL 17, 1919.

In re John Morgan.

Supplemental memorandum for the Acting Secretary:

In this case it was found as a result of the traverse to the return to the writ of habeas corpus, made by Attorney Recht, that the record and return are defective. While these defects, especially those in the return, could have been cured before the court, the United States Attorney and Mr. Parker reached the conclusion that the case was so near like that of Sam Nelson, which had been decided against the Government by the district court (and in which an appeal is being recommended by the United States Attorney), that to go on with the case would probably result in adding another decision unfavorable to the Government in the district court at New York. They, therefore, consented to the suggestion of Attorney Recht that the case be allowed to go over in court for two weeks and that meanwhile the matter would be given further consideration by the department.

This man is not shown to be a bad character, nor to have been particularly active in spreading I. W. W. propaganda, although he did act as a delegate and organizer and probably distributed more of the literature than he has been willing to admit. As a matter of expediency, and with the hope that by so doing we will get better results than otherwise would accrue to the court at New York, it is now recommended that the alien be paroled upon his own recognizance.

A. CAMINETTI, *Commissioner General*.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary*.

CASE OF WILLIAM LONGFORS.

The case of William Longfors, bureau file 54379/82, is another which is compared to the Nelson case in the final memorandum. The comparison is not based on fact, however, as in the Longfors's case abundant evidence was introduced to show the character of the I. W. W. organization. In the final memorandum just referred to the writer states that the alien was at no stage of the proceedings advised of his right to counsel. In making this statement the writer evidently overlooked the fact that Longfors's case differed from the ordinary arrest case, that owing to the fact that he was arrested as a

deserting seaman he was given a hearing before a board of special inquiry as provided in the regulations and therefore was not entitled to be represented by counsel. The various memoranda pertaining to this case read as follows:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington.

1. Full name of persons arrested: William Longford, or Longfor, alias Gustaf Ludwig Wilhelm Longfors.
2. Number of case (Bureau of Immigration files): 54379/82.
3. Date of warrant of arrest: January 25, 1918.
4. Charge upon which arrest was made: That he has been found advocating or teaching the unlawful destruction of property, and that he was a person likely to become a public charge at the time of his entry into the United States.
5. Date and place of arrest: January 25, 1918, Seattle, Wash.
6. Disposition of case: Warrant of deportation to Denmark at Government expense issued February 22, 1919. Transferred to Ellis Island for deportation. Petition to reopen case denied. Habeas corpus applied for and, in anticipation of adverse decision, alien was paroled on own recognizance.
7. Status of case at present: Pending.

54379/82

NOVEMBER 22, 1918.

In re William Longfors, aged 23, native and subject of Denmark; entered without inspection, presumably at Galveston, Tex., in 1914.
Memorandum for the Acting Secretary:

The above-named alien was arrested at Yakima, Wash., on the grounds that he has been found advocating or teaching the unlawful destruction of property; and that he was a person likely to become a public charge at the time of his entry into the United States.

This man states that he entered Galveston by deserting from a vessel in 1914; that since then he has roamed about over the country, working but a short time in any one place; that he has been a member of the I. W. W. since October, 1916, and as such has paid his dues and contributed to defense funds; that he has been an organizer and delegate and holds credentials as such; and that in the performance of his duties of this office, he has distributed official I. W. W. literature teaching sabotage. Various paragraphs from official literature of the I. W. W. were read to him. While he attempted to evade them as much as possible, it is clear that he approves of the teachings and aims of the order, including that of direct action. He has been arrested on a number of occasions for disturbing the peace.

The bureau is of the opinion that the charge in the warrant of teaching and advocating the unlawful destruction of property is sustained, and upon that ground has to recommend the alien's deportation to Denmark at Government expense.

A. CAMINETTI, *Commissioner General*.

Approved.

JOHN W. ABERCROMBIE, *Acting Secretary*.

54379/82

54517/33

APRIL 17, 1919.

In re William Longfors and Magnus Anderson Otterholm.

Supplemental memorandum for the Acting Secretary:

See previous memoranda at markers. As these cases are in all substantial respects similar to that of Sam Nelson, in which Judge A. N. Hand sustained a writ of habeas corpus, and as we have asked for an appeal of that case and the United States attorney in New York is to write the Attorney General so recommending, Mr. Parker agreed to the view of the United States attorney's office that it would probably do more harm than good to get adverse decisions on these two in addition to the Nelson case. Accordingly an understanding was had all around that these two cases should go over for two weeks and that they would be taken up by the department again.

Both of the cases are pretty near the border line—have been so regarded right along; and Longfors was never advised at any stage of the proceedings that he was entitled to counsel. It is now recommended that the aliens be paroled on their own recognizance.

A. CAMINETTI, *Commissioner General*.

Approved.

JOHN W. ABERCROMBIE, *Acting Secretary*.

Send one copy of memo to Ellis Island and the other to Seattle.

CASE OF JAMES LUND.

The case of James Lund, bureau file 54379/44, is another case that was used quite often as a comparison. In this case, however, the character of the I. W. W. organization was clearly shown by the evidence adduced.

The various memoranda pertaining to this case read as follows:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington.

1. Full name of person arrested: James Lund.
2. Number of case (Bureau of Immigration files) 54379/44.
3. Date of warrant of arrest: First warrant, January 18, 1918; second warrant, January 18, 1919.
4. Charge upon which arrest was made: (1) That he has been found advocating or teaching the unlawful destruction of property; and that he was a person likely to become a public charge at the time of his entry into the United States. (2) That he has been found a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally of the Government of the United States or of any other organized government, because of his or their official character, or that advocates or teaches the unlawful destruction of property.
5. Date and place of arrest: January 18, 1918, Seattle, Wash.
6. Disposition of case: (1) Alien refused offer of parole on own recognizance one year pending observation. (2) Warrant of deportation to Sweden at Government expense issued February 4, 1919. Transferred to Ellis Island. Case reopened. Alien released on own recognizance.
7. Status of case at present: Pending.

54379/44

In re James Lund.

Memorandum of the Acting Secretary:

FEBRUARY 4, 1919.

The essential points in the testimony elicited from this alien under previous warrant of arrest will be found briefly reviewed in bureau memorandum indicated at marker, to which your attention is invited. It will be remembered that the old warrant of arrest charged the alien with advocating or teaching the unlawful destruction of property. While the record showed that there was some evidence upon which to base this charge, the facts brought out did not appear to be sufficient to justify deportation on that ground. On the other hand, it was not considered advisable to cancel the warrant proceedings outright, but to release the man on probation for a period of one year on his promise to report to the Commissioner of Immigration at Seattle, at regular intervals of three months, as to his whereabouts and occupation. This he refused to do. The new immigration act of October 16, 1918, having come into effect it was then decided, in view of his refusal to comply with the department's terms, and the fact that he seemed to fall within its scope, to rearrest him under the new act on the following ground:

"That he has been found a member of or affiliated with an organization that entertains a belief in, teachers, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized Government, because of his or their official character, or that advocates or teaches the unlawful destruction of property."

A new hearing was accorded and the record of same is before the bureau for review. This man admits that he was a member of the I. W. W. at the time of his arrest on the previous warrant and that he has since taken no steps to renounce his affiliation with that organization. He was asked if, since his detention by the immigration authorities, the organization had not taken care of his dues, or, in other words, if, when a member of the I. W. W. is arrested and held in jail, the necessity for payment of dues on his part does not automatically cease. To this question he pleaded ignorance.

His attorney, Ralph S. Pierce, was present at the hearing and questioned the alien in the attempt to bring out the fact that he is no longer a member of the order. However, the bureau has his sworn testimony in a previous hearing, which has been incorporated into and made a part of this record, that he is a member of the I. W. W., which testimony is strengthened by his membership book showing that he joined the I. W. W. on October 26, 1917, and that his dues at that time were paid to March 1, 1918, or to a date several months subsequent to his arrest. A prima facie case is therefore established on this point by his previous sworn statement, by an exhibit in the form of his membership book, and his statement, at this hearing, that he had taken no steps to renounce his allegiance to said order. The burden of proof is now on the alien to prove that he is in fact not a member of the order, which burden he has failed to sustain, although given ample opportunity to do so. His attorney also caused to be read into the record certain testimony offered by one T. F. G. Dougherty, in the case of Axel August Hendrickson, in an attempt to show that the I. W. W., as an organization, does not teach the unlawful destruction of property. He further caused to be instered in the record certain excerpts from the works of well-known I. W. W. or other radical authors in an endeavor to prove that the word "sabotage" does not mean the unlawful destruction of property.

In answer to this defense the bureau calls attention to the testimony of one James O'Brien, a member of and leader in the I. W. W. offered in the trial of the State of Washington v. Fred Lowery and Charlie Brown, which has been incorporated into and made a part of this record; also to numerous excerpts and passages obtained from the I. W. W. official literature and from other literature published, sold, or disseminated by the order in carrying on its propaganda.

In the opinion of the bureau this evidence produced by the Government completely refutes and overcomes that offered in defense of the alien and shows beyond a doubt that the I. W. W. is an organization teaching and advocating the unlawful destruction of property.

Considering the record as a whole, the bureau is convinced that this alien is a member of or affiliated with an organization teaching or advocating the unlawful destruction of property, and upon that ground has to recommend his deportation to Sweden at Government expense.

A. CAMINETTI, *Commissioner General.*

Approved.

JOHN W. ABERCROMBIE, *Acting Secretary.*

54379/44

MARCH 8, 1919.

In re James Lund.

Supplemental memorandum for the Acting Secretary:

Since this case was finally presented to the department in memorandum of February 4, Attorneys Lowe and Recht have made an earnest argument in alien's behalf. When the case was first summarized on November 25, the bureau recommended that the alien be released on his own recognizance for a period of one year as the evidence in hand did not clearly establish that he had been personally advocating or teaching the unlawful destruction of property. He refused to accept the release, and that circumstance was thought to justify his rearrest under the act of October 16, 1918, on the simple charge that he was a member of an organization which advocated or taught the destruction of property.

There is only a little evidence in the record that can be pointed to as justification for holding that the man has, either as a member of the organization or independently, distributed literature or otherwise advocated the unlawful destruction of property; and the bureau is satisfied from the statements made by the attorney that in this instance the previous decision is not as fully or as substantially supported as is desirable under the policy which is being followed in these cases generally. It is accordingly recommended that the alien be released on his own recognizance.

(Unsigned)

_____,
Commissioner General.

CASE OF ARTHUR J. SMITH.

The case of Arthur J. Smith, bureau file 54379/68, is one which is compared to the Lund case, just mentioned, in the memorandum ordering his release from custody at Ellis Island.

Arthur J. Smith was at one time on the organization committee of the I. W. W. He was and is one of the most persistent radical workers of that organization on the Pacific coast. He was arrested on ac-

count of said activities, in Seattle, Wash., in January, 1918, with a number of other active members of the I. W. W. organization. He was probably one of the most defiant radicals ever arrested in the United States and on several occasions after his arrest proceeded to lead a party in what is termed by members of the organization as "battleshiping" the immigration detention station; the term to "battleship" meaning to proceed to destroy and break everything in sight, including beds, chairs, tables, windows, walls, doors, etc., as fast as possible. He was removed from the detention station to the jail for his "battleship" activities on several occasions and returned to the detention station again after having given his promise to abide by the rules of that institution, which he did, each time, just so long as he saw fit. After being held for a considerable time awaiting a decision from the department he was finally paroled by the department conditionally that he keep the Seattle office advised as to his whereabouts and occupation. This he proceeded to do in his own way, which was by renewing his radical activities to such an extent that he was arrested by city authorities within a few weeks after his release on parole. A State charge was filed against him and the Bureau of Immigration so advised by wire; later the charge was dismissed on account of a technicality of which the bureau was also advised. A new warrant for his arrest was issued, and he was given another hearing and eventually ordered deported and conveyed to Ellis Island. He was released from there and immediately took active part in I. W. W. circles in New York; a short time later he returned to Seattle and renewed his radical activities with the result that it was not long before he was again arrested by city authorities and the Bureau of Immigration was again notified. The Seattle office was at first instructed to keep this alien under surveillance, but a few days later a third warrant for his arrest was issued by the department and he was again taken into custody by the Seattle immigration authorities and given another hearing on a deportation proceeding; the record of this third hearing is now before the department for decision.

The various documents pertaining to this case read as follows:

UNITED STATES OF AMERICA,
DEPARTMENT OF LABOR,
Washington.

54379/68

To: Henry M. White, commissioner of immigration, Seattle, Wash., or to any immigrant inspector in the service of the United States.

Whereas from evidence submitted to me it appears that the alien Arthur J. Smith, who landed at an unknown port on or about the 1st day of January, 1917, has been found in the United States in violation of the immigration act of February 5, 1917, for the following, among other reasons:

That he has been found advocating or teaching the unlawful destruction of property, and that he was a person likely to become a public charge at the time of his entry into the United States.

I, Louis F. Post, Assistant Secretary of Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to take into custody the said alien and grant him a hearing to enable him to show cause why he should not be deported in conformity with law.

The expenses of detention hereunder, if necessary, are authorized, payable from the appropriation "Expenses of regulating immigration, 1918." Pending further proceedings, the alien may be released from custody upon furnishing satisfactory bond in the sum of \$1,000.

For so doing, this shall be your sufficient warrant.

Witness my hand and seal this 23d day of January, 1918.

(Exact copy as signed by Louis F. Post, Assistant Secretary of Labor. Mailed January 24 by D.)

NOVEMBER 11, 1918.

54379/68.

In re Arthur J. Smith, aged 33, single, native of England, entered from Canada, presumably at Sault Ste. Marie, Mich., about nine years ago.

Memorandum for the Acting Secretary:

The above-named alien was arrested at Spokane, Wash., on the grounds that he has been found advocating or teaching the unlawful destruction of property; and that he was a person likely to become a public charge at the time of his entry into the United States.

This man states that he has been a member of the I. W. W. for the past three years, and held the office of secretary on one occasion. He has secured new members and collected funds. He firmly stated his belief in the doctrine of sabotage as contained in the official books of the I. W. W., paragraphs from which were read to him. He further stated that he was determined to remain an I. W. W., and that, if deported, he would work for the organization in whatever country he was deported to. He has no money, property, or family ties.

Aside from the fact that, as a member of the I. W. W., he has, of course, paid dues into the treasury (thereby contributing to the distribution of its literature, teaching and advocating sabotage), there is little evidence supporting the charge first-named in the warrant of arrest. Further investigation is needed to develop the facts, and a letter showing what lines the further investigation shall follow will be written the Seattle office.

Pending this further investigation, it is believed that the ends of justice will be entirely served if alien is paroled upon his own recognizance for one year, with the understanding that he is to report to the nearest immigration officer quarterly as to occupation and conduct. It is so recommended. The allegation that he was a person likely to become a public charge falls, because the alien has been more than five years in this country.

While this case has been before the bureau, the new anarchist law has been passed and approved. As that law contains a provision authorizing the expulsion of aliens who, at any time after entry, join any organization "that advocates or teaches the unlawful destruction of property," it will be an easy matter, if the alien does not live up to the terms of his parole and the further investigation does not establish the pending charge, to start proceedings against him de novo under the new law.

A. CAMINETTI,
Commissioner General.

Approved.

JOHN W. ABERCROMBIE, *Acting Secretary.*

SPOKANE, WASH., NOVEMBER 19, 1918.

(Received November 21, 1918, United States Immigration Service, Seattle.)

COMMISSIONER OF IMMIGRATION,
Seattle, Wash.

SIR: Having been arrested under a warrant issued by the Assistant Secretary of Labor and having been ordered paroled upon my own recognizance for one year upon condition that I report at regular intervals as to my occupation and conduct, I hereby promise and agree that if I am paroled upon my own recognizance for a period of one year, I will report to the nearest immigration officer and to the Commissioner of Immigration at Seattle, Wash., at regular intervals of three months, in person if practicable, as to my occupation and conduct, and that I will at all times keep the latter official advised as to my whereabouts. My address for the present will be Seattle.

ARTHUR J. SMITH.

[Telegram.]

IMMIGRATION BUREAU,
Washington, D. C.

SEATTLE, WASH., December 22, 1918.

Bureau file 54379/68 re Arthur J. Smith. This man was arrested by Seattle police for agitating and distributing literature for I. W. W. He is one of the most dangerous members we have handled. Request warrant under section 2, act October 16; reissue by wire.

WHITE.

(Following notation appears on bottom of foregoing telegram:)

12/23/18. Issue new W/A new law. Destructionist—Membership. (These being code words for charge to be placed in a new warrant..)

UNITED STATES OF AMERICA,
DEPARTMENT OF LABOR,
Washington.

No. 54379/68.

To: Henry M. White, commissioner of immigration, Seattle, Wash., or to any immigrant inspector in the service of the United States.

Whereas, from evidence submitted to me, it appears that the alien, Arthur J. Smith, who landed at the port of Sault Ste. Marie, Mich., on or about the 1st day of January, 1910, has been found in the United States in violation of the act approved October 16, 1918, for the following, among other reasons:

That he has been found advocating or teaching the unlawful destruction of property; and that he is a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States, or any other organized government, because of his or their official character, or that advocates or teaches the unlawful destruction of property.

I, John W. Abercrombie, Acting Secretary of Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to take into custody the said alien and grant him a hearing to enable him to show cause why he should not be deported in conformity with law.

The expenses of detention hereunder, if necessary, are authorized, payable from the appropriation "Expenses of regulating immigration, 1919." Pending further proceedings the alien may be released from custody upon furnishing satisfactory bond in the sum of \$1,000.

For so doing, this shall be your sufficient warrant.

Witness my hand and seal this 23d day of December, 1918.

JOHN W. ABERCROMBIE,
Acting Secretary of Labor.

FEBRUARY 4, 1919.

54379/68

In re Arthur J. Smith.

Memorandum for the Actng Secretary.

The essential points in the testimony elicited from this alien under previous warrant of arrest will be found briefly reviewed in bureau memorandum indicated at marker, to which your attention is invited. It will be remembered that the old warrant of arrest charged the alien with advocating or teaching the unlawful destruction of property. While the record showed that there was some evidence upon which to base this charge, the facts brought out did not appear to be sufficient to justify deportation on that ground. On the other hand, it was not considered advisable to cancel the warrant proceedings outright, but to release the man on probation for a period of one year on his promise to report to the commissioner of immigration at Seattle, at regular intervals of three months, as to his whereabouts and occupation. The alien agreed to this and signed the necessary paper. He did not live up to the terms of same, however, but almost immediately resumed agitating, and was found distributing I. W. W. literature on the streets of Seattle. For this he was arrested by the local police and again turned over to this service. Proceedings were instituted against him under the new immigration act of October 16, 1918, on the ground:

"That he has been found a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized Government, because of his or their official character, or that advocates or teaches the unlawful destruction of property."

At the new hearing the alien admitted that he is a member of the I. W. W. at the present time. A previous hearing, which is incorporated into and made a part of this record, shows that he has been a member of the order since 1915. The alien, at the last hearing, was not represented by an attorney. He made little or no defense to the charges in the warrant, although given every opportunity to do so. He is considered by the Seattle office as being one of the most dangerous agitators in that section of the country. The fact that after being released on parole by this department he immediately engaged in agitation and distribution of I. W. W. literature is sig-

nificant. That the I. W. W. is an organization teaching or advocating the unlawful destruction of property is well established by the nature of the literature which it publishes, sells, or disseminates, numerous excerpts from which are contained in this record.

The bureau recommends the alien's deportation to England at Government expense on the ground that he has been found a member of or affiliated with an organization teaching or advocating the unlawful destruction of property.

A. CAMINETTI,
Commissioner General.

Approved.

JOHN W. ABERCROMBIE, *Acting Secretary.*

FEBRUARY 4, 1919.

54379/5-23-28-50-53-44-68-76-501-134

54517/93

54547/15

COMMISSIONER OF IMMIGRATION,
Ellis Island, New York Harbor.

1. The bureau transmits herewith formal warrants of deportation issued to-day for the aliens, Joe Martin, Edwin Flogaus, John Leive, James Lund, Christian Lindin Johnson, August Bostrom, Arthur J. Smith, Jalmar Holm, Mrs. Peter Williamson Melta, E. E. McDonald, Axel August Hendrickson, and Herbert Harold Jackson, who will be conveyed to your port for deportation with a party which leaves the Seattle district about the 5th instant.

2. The expenses of detention and maintenance of the aliens until their deportation can be effected are hereby authorized, payable from the appropriation "Expenses of regulating immigration, 1919."

Approved:

Exact copy as signed by John W. Abercrombie, Acting Secretary.

Mailed February 5, 1919.

Exact copy as signed by A. Caminetti, commissioner general.

Inc. 397.

Incl. W. D's Nos. 382-3-4-5-6-7-8-9-90-1-2-3.

UNITED STATES OF AMERICA,
DEPARTMENT OF LABOR,
Washington.

No. 54379/68

Incl. No. 387.

To: Frederic C. Howe, commissioner of immigration, Ellis Island, New York Harbor.

Whereas, from proofs submitted to me, after due hearing before immigrant inspector W. P. Callahan, held at Seattle, Wash., I have become satisfied that the alien Arthur J. Smith who landed at the port of Sault Ste. Marie, Mich., on or about the 1st day of January, 1910, has been found in the United States in violation of the act approved October 16, 1918, to wit:

That he has been found a member of or affiliated with an organization that advocates or teaches the unlawful destruction of property, and may be deported in accordance therewith:

I, John W. Abercrombie, Acting Secretary of Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to return the said alien to England, the country whence he came, at the expense of the appropriation "Expenses of regulating immigration, 1919." You are directed to purchase transportation for the alien from New York, N. Y., to such point in England as you may designate, at the lowest available rate, payable from the above-named appropriation.

For so doing, this shall be your sufficient warrant.

Witness my hand and seal this 4th day of February, 1919.

Exact copy as signed by John W. Abercrombie, Acting Secretary of Labor.

Mailed February 5, 1919, by "B".

NAMES OF ALIENS SENT FROM SEATTLE TO ELLIS ISLAND FEB. 7, 1919.

DEPARTMENT OF LABOR,
IMMIGRATION SERVICE, OFFICE OF COMMISSIONER,
Seattle, Wash., February 7, 1919.

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

A party of deportees consisting of the aliens named below left this station on the morning of the 6th instant for New York:

Seattle file No.	Name of alien.	Bureau file No.	Seattle file No.	Name of alien.	Bureau file No.
4212-667.....	Stephano Battista...	54149/31.	35012/456.....	John Berg.....	54379/185.
4250/487.....	Eugene E. Shutties.	54181/323.	35012/457.....	Frank Mihalik.....	54379/186.
35012/129-11.....	Ephim Kertz.....	54235/102.	35012/547.....	Wm. Fields.....	54379/416.
35012/189-21.....	Aaron Slutzker.....	54235/112.	35012/548.....	Thos. Rimmer.....	54379/417.
35012/262.....	Louis Mische.....	54379/48.	35012/556.....	Alex. Kisil.....	54379/425.
35012/270.....	John Morgan.....	54379/18.	35012/570.....	Albert Osborn.....	54414/81.
35012/271.....	Joe Martin.....	54379/5.	35012/593.....	Robert W. Leonard.	54379/493.
35012/285.....	Edwin Flogaus.....	54379/23.	35012/594.....	Chas. Bernat.....	54379/491.
35012/290.....	John Leivo.....	54379/28.	35012/598.....	Sam H. Dixon.....	54379/503.
35012/307.....	James Lund.....	54379/44.	35012/638.....	Olaf Johnson.....	54554/8.
35012/312.....	Christ L. Johnson.....	54379/50.	35012/641.....	Martin de Wal.....	54517/16.
35012/315.....	August Bostrom.....	54379/53.	35012/659.....	Sebastian Canzor.....	54547/2.
35012/315.....	John Sheehan.....	54379/54.	35012/670.....	Alfred Johnson.....	54554/40.
35012/326.....	Joseph Mucha.....	54408/4.	35012/671.....	Magnus Otterholm.....	54517/33.
35012/336.....	Arthur J. Smith.....	54379/68.	35012/745.....	Olaf Finnstad.....	54517/68-a.
35012/342.....	Jalmur Holm.....	54379/76.	35012/798.....	Alex Hendrickson.....	54517/93.
35012/348.....	William Longfors.....	54379/82.	35012/801.....	Herbert H. Jackson.....	54547/15.
35012/351.....	Charles Jackson.....	54379/86.	35012/856.....	Mrs. Peter W. Melta.....	54379/134.
35012/379.....	Kazis Maskalunas.....	54379/101.	35012/860.....	Oscar E. Olson.....	54353/608.
35012/405.....	Leonard Van Hart- man.....	54379/118.	35012/84.....	Ferdinand Scordo.....	54411/117.
35012/412.....	Fritz Holm.....	54379/114.	35059/237.....	Chas. P. Emerson.....	54379/13.
35012/440.....	Peter W. Melta.....	54379/134.	35059/243.....	Sol Ehrlich.....	54379/12.
35012/452.....	McG. S. Ross.....	54379/183.	35059/981.....	E. E. McDonald.....	54379/501.
			35552/2-3.....	Donald McPherson.....	54517/54.

Shutties, Mische, Battista and McDonald joined the party at Spokane on the evening of the 6th instant, Battista and Shutties having been delivered at that station, by Immigrant Inspector M. C. Faris of Walla Walla, Wash. Mucha was brought from the Reformatory at Monroe, Wash., by Inspector Conway Thomson. Scordo and Leonard were delivered from Portland by Inspector Bonham. The other members of the party had been detained at this station.

The party is in charge of clerk A. D. H. Jackson who is accompanied by the following named attendants: Inspector Trent Doser, Inspector Chas. E. Shelby, Watchman Fred E. Bates, Dr. A. Jeff. Nelson, L. L. Finnegan, Hugh Kellman, J. P. Iverson, Robert E. Cadden, Walter Dench, Charles E. Cook, Archie Strange, G. A. Bergstrom, D. B. Dickson, Norman Henderson, and Genevieve Doser.

The party is routed as follows: Northern Pacific to St. Paul, Chicago Milwaukee & St. Paul to Chicago, Nickel Plate to Buffalo, Delaware, Lackawanna & Western to Hoboken.

JOHN H. SARGENT,
Acting Commissioner.

MARCH 14, 1919.

No. 54379/68.

In re Arthur J. Smith,

Supplemental memorandum for the Acting Secretary:

This case in every material respect corresponds to that of James Lund (54379/44) submitted simultaneously; and the bureau recommends that the alien be released on his own recognizance.

A. CAMINETTI, *Commissioner General.*

Approved:

JOHN H. ABERCROMBIE, *Acting Secretary.*

Report made by R. W. Finch; where made, New York City; date made, April 9, 1919; period for which made, April 4.

Title of case and offense charged or nature of matter under investigation: Ross McGregor and Arthur J. Smith, deportees released from Ellis Island; I. W. W. activities.

It has been brought to our attention that Ross McGregor (or McGregor Ross) and Arthur J. Smith, who were among the men brought from the west coast for deportation, have been subsequently released from Ellis Island. They are both British subjects.

Immediately after their release they celebrated by attending a meeting at 359-a Third Avenue, New York, on March 26, which was convened to form an I. W. W. branch in that locality. Nineteen new members were initiated. Ross had with him credentials from the deportees at Ellis Island. He stated at the meeting that he had been in the movement since 1886. He spoke on conditions of the Seattle strike and of the conditions at Ellis Island. He stated that he was a delegate of the construction workers on the west coast, especially in Seattle. At the same meeting a man named Golden spoke regarding the general strike in England, expressing the hope that the workers get full control of the shops, just as in Russia.

UNITED STATES DEPARTMENT OF LABOR,
IMMIGRATION SERVICE,
OFFICE OF COMMISSIONER OF IMMIGRATION,
Ellis Island, New York Harbor, N. Y., August 6, 1919.

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

I invite your attention to the case of Arthur J. Smith, Bureau No. 54379/68. Pursuant to instructions contained in bureau telegram of March 17, 1919, this alien was on that date released from custody. His whereabouts is unknown. Please advise me what disposition you wish me to make of the outstanding warrant of deportation, this being an open case in my office files.

For the Commissioner.

P. A. BAKER, *Superintendent.*

AUGUST 9, 1919.

COMMISSIONER OF IMMIGRATION,
Ellis Island, New York Harbor:

Answering your letter of the 6th instant, No. 98749/267, you are advised that the warrant of deportation issued in the case of the alien, Arthur J. Smith, should be retained on file in your office, in the hope that he may eventually be located. Please bring the case to the bureau's attention about January 1, 1920.

For the commissioner general.

Exact copy as signed by Alfred Hampton, assistant commissioner general.

Mailed August 9, 1919, by B.

OFFICE OF THE COMMISSIONER,
Seattle, Wash., November 19, 1919.

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.:

Having reference to bureau file No. 54379/68, case Arthur J. Smith, there is quoted below, for the bureau's information, report received from the Department of Justice, this city, covering the alien's arrest by the city police in a raid on the I. W. W. headquarters:

"In re Arthur J. Smith, I. W. W. activities. At Seattle, Wash., Arthur J. Smith was arrested by the city police in room 317 Pioneer Building, and was interrogated by this employee (George W. Berg) at the city jail on this date (November 15, 1919). Smith is 34 years old, born July 8, 1885, Liverpool, England. He refused to answer questions, but states that the United States Immigration authorities have his record. He is a radical I. W. W. and was sent to the east coast to be deported. Recommend deportation."

HENRY M. WHITE, *Commissioner.*

DECEMBER 7, 1919.

IMMIGRATION SERVICE, *Seattle, Wash.:*

Keep Arthur J. Smith under surveillance, investigate fully, and wire for new warrant of arrest on any ground found appropriate to the facts.

CAMINETTI.

Attest.

Exact copy as signed by A. Caminetti, Commissioner General.

Mailed 12-7 by W.

[Telegram.]

SEATTLE, WASH., *December 8, 1919.*IMMIGRATION BUREAU,
Washington.

Bureau telegram, 7th instant, re Arthur J. Smith. Criminal charge on which this alien has been held dismissed this date; so far as can be ascertained, no additional ground for deportation of this alien, other than those on which he was ordered deported in 1918. Have requested authorities to hold him until an expression can be obtained from the bureau, as to what action if any, they desire.

WHITE.

(Following notation appears on bottom of foregoing telegram:)

Mr. CAMINETTI: Prepare supplemental memorandum revoking order, releasing, on his own recognizance, and direct that he be taken into custody at once for deportation.

DECEMBER 9, 1919.

In re Arthur J. Smith.

Memorandum for the Acting Secretary.

A review of the history of this case, which has been before the bureau for a long time, will be found in the various bureau memoranda indicated at markers. Under date of February 4, 1919, a warrant of deportation issued for this man, directing his deportation to England at Government expense, on the ground that he has been found a member of or affiliated with an organization that advocates or teaches the unlawful destruction of property. On March 14, 1919, it was directed that he be released upon his own recognizance, and the order of deportation was not carried out. His release took place at New York, N. Y., to which point he had been conveyed from Seattle, Wash. Immediately after such release he returned to his old haunts on the north Pacific coast and was later found engaged in further radical activities, whereupon he was picked up by the local police. A criminal charge was also placed against him by the local authorities, but it seems that he was not found guilty of this.

While the last warrant of arrest contained only the "membership" charges, a review of the evidence would indicate that he distributed I. W. W. literature and presumably such literature advocated and taught sabotage, as does practically all the literature of this organization.

It is accordingly recommended that a new warrant of arrest issue for this man on the grounds that he has been found a member of or affiliated with an organization that advocates the unlawful destruction of property; that he advocates the unlawful destruction of property; and that he teaches the unlawful destruction of property.

A. CAMINETTI, *Commissioner General.*

Approved.

JOHN W. ABERCROMBIE, *Acting Secretary.*

[Telegram.]

SEATTLE, WASH., *December 16, 1919.*IMMIGRATION BUREAU,
Washington, D. C.:

See my wire December 8 relative Arthur J. Smith. Local authorities refuse to hold Smith longer without warrant. Wire instructions.

WHITE.

UNITED STATES OF AMERICA,
DEPARTMENT OF LABOR,
Washington.

To Henry M. White, commissioner of immigration, Seattle, Wash., or to any immigrant inspector in the service of the United States:

Whereas from evidence submitted to me it appears that the alien, Arthur J. Smith, who landed at the port of Sault Ste. Marie, Mich., on or about the 1st day of January, 1910, has been found in the United States in violation of the act approved October 16, 1918, for the following among other reasons:

That he is a member of or affiliated with an organization that advocates the unlawful destruction of property; that he is a member of or affiliated with an organization that teaches the unlawful destruction of property; that he advocates the unlawful destruction of property; and that he teaches the unlawful destruction of property.

I, John W. Abercrombie, Acting Secretary of Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to take into custody the said alien and grant him a hearing to enable him to show cause why he should not be deported in conformity with law.

The expenses of detention hereunder, if necessary, are authorized, payable from the appropriation "Expenses of regulating immigration, 1920." Pending further proceedings the alien may be released from custody upon furnishing satisfactory bond in the sum of \$1,000.

For so doing, this shall be your sufficient warrant.

Witness my hand and seal this 10th day of December, 1919.

Exact copy as signed by John W. Abercrombie, Acting Secretary of Labor.

DECEMBER 18, 1919

IMMIGRATION SERVICE,
Seattle, Wash.:

New warrant of arrest for Arthur J. Smith mailed you on 11th instant. Wire if it has not been received.

CAMINETTI.

Attest:

Exact copy as signed by A. Caminetti, Commissioner General.

Mailed December 18, 1919 by ———.

OFFICE OF COMMISSIONER OF IMMIGRATION,
Ellis Island, New York Harbor, N. Y., January 3, 1920.

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.:

As requested in your letter of August 9 last, No. 54379/68, your attention is directed to the case of the alien, Arthur J. Smith. Please advise what disposition I shall make of the outstanding warrant of deportation.

BYRON H. UHL, Acting Commissioner.

FEBRUARY 25, 1920.

In re Arthur J. Smith.

Supplemental memorandum for the Acting Secretary.

For a review of the history of this alien your attention is invited to the various bureau memoranda indicated at markers.

The first memorandum prepared by the bureau in this case recommended deportation.

This memorandum was not submitted to the department, but another one was substituted, in which the recommendation was made that the alien be paroled upon his own recognizance for one year with the understanding that he was to report to the nearest immigration officer quarterly as to occupation and conduct. It was stated in the memorandum that if the alien did not live up to the terms of his parole his case could be taken care of under the terms of the new anarchy act.

Shortly after his release he was arrested by the Seattle police for agitating and distributing I. W. W. literature, whereupon the department issued a new warrant containing the membership charges under the terms of the act of October 16, 1918.

Upon the facts secured under this warrant the alien was ordered deported to England, and he was conveyed to New York for that purpose in February, 1919. In March of the same year, after his arrival at Ellis Island, the bureau and department again permitted his release upon his own recognizance, and the alien returned to Seattle. In November, 1919, he was again arrested by the Seattle police during a raid on the I. W. W. headquarters there. He refused to answer questions asked him by the police and stated that the United States immigration authorities had his record.

In December last the department issued a third warrant for this man on the grounds that he is a member of or affiliated with an organization that advocates the unlawful destruction of property; that he is a member of or affiliated with an organization that teaches the unlawful destruction of property; that he advocates the unlawful destruction of property; and that he teaches the unlawful destruction of property. The record of the hearing under this third and last warrant has now been received.

The alien admitted his identity, but refused to answer questions as to his activities. He stated, however, that the evidence given by him at the first hearing was true and that he stood by it. He says that he has maintained his membership in the I. W. W. organization and will continue to do so; that at the time of his last arrest he had a membership ticket in his possession and credentials as an organizer and delegate. He further says that it is his desire to educate his fellow men and that he believes in and has taught the principles and tenets of the I. W. W. He stated that outside of his first and original record of hearing he would say nothing. In view of his refusal to answer questions, it will be necessary to refer to the first record of hearing.

At that time the examining officer read into the record excerpts from certain well-known official pamphlets of the I. W. W. and the alien admitted his belief in practically all of them. For instance, an excerpt from the pamphlet entitled "The I. W. W., Its History, Structure, and Methods," by Vincent St. John, was read to the alien as follows: "As a revolutionary organization the Industrial Workers of the World aims to use any and all tactics that will get the results sought with the least expenditure of time and energy. The tactics used are determined solely by the power of the organization to make good in their use. The question of 'right' and 'wrong' does not concern us." The alien was asked if these views met with his approval and he replied: "That is correct in more ways than one. Yes; that is correct. That is my doctrine."

The definition of sabotage by Walker C. Smith, a recognized authority, was read to him, which is as follows: "Sabotage is a direct application of the idea that property has no rights that its creators are bound to respect." He said that that definition met with his approval, adding that it said nothing about destruction. There was also read to him Walker C. Smith's statement: "In short the I. W. W. advocates the use of militant 'direct action' tactics to the full extent of our power to make good." When asked if that was his doctrine the alien answered: "That is right." He also approved of the following I. W. W. doctrine from Walker C. Smith's book: "What is more civilized than for workers to create power that refuses to explode? What is more civilized than to work slow and thus force employers to give a living to more of the unemployed? What is more civilized than to spike the guns when they are trained on our working class brothers in other countries? Realizing that the railroads are the arteries of commerce, the capitalists of this country have practically purchased the engineers by a high wage and the establishment of an aristocracy of labor. But a few rebels are bound to creep into their ranks. A bar of soap in the boiler would keep the soldiers at home or else force them to march to the strike. If this were not possible there are water tanks where the tender must be filled and the saboteur can 'Let the Gold Dust Twins do the work.'"

The foregoing are only a small part of the teachings of the sabotage doctrine of the I. W. W. as set forth in their official literature and in the literature distributed and sold by them. The alien admits that he firmly believes in not only the foregoing doctrines, but all of the I. W. W. principles and tenets.

In this connection attention is again called to the alien's statements wherein he says that he is a delegate and organizer and desires to educate and teach his fellow men in the I. W. W. doctrine.

The bureau is of opinion that alien is guilty of teaching and advocating the unlawful destruction of property and upon these grounds recommends his deportation to England at Government expense.

(Unsigned)

Commissioner General

CASE OF M'GREGOR S. ROSS.

The case of McGregor S. Ross, bureau file 54379/183, is one of the cases in which the complete file of the Bureau of Immigration has in some manner, unexplained, completely disappeared. The case originated in Seattle, Wash., and a copy of the Seattle office file has been obtained. While this copy does not contain any of the bureau memoranda or data that would give an idea of how the various decisions in this case were arrived at, it does, however, give a very fair idea of the main points of the case. The record is voluminous, but shows in brief as follows: McGregor S. Ross was a district organizer for the I. W. W. organization with headquarters at Port Angeles, Wash. He was arrested upon arrival at Seattle from Port Angeles as a delegate from the latter place to an I. W. W. convention to be held at Seattle. He was questioned concerning his beliefs and activities and stated that he believed in the I. W. W. doctrine as set forth in their literature, concerning which he was specifically questioned. Among other things he stated he believed in the doctrine of sabotage and the "workers" taking control of the earth. He admitted that he had, as an organizer and delegate for the I. W. W. organization, been active in spreading these teachings. His original arrest was made on a departmental warrant dated March 16, 1918, charging him with advocating and teaching the unlawful destruction of property. He was accorded a hearing on this charge and eventually a warrant for his deportation was issued by the Acting Secretary of Labor.

The date of said warrant of deportation being December 5, 1918. Under date of December 16, 1918, however, a new warrant of arrest was issued by the Department of Labor charging this alien with violation of the act of October 16, 1918, in that he was a member of, or affiliated with an organization advocating the overthrow by force or violence of the Government of the United States, etc. It was decided, however, not to use this new warrant but to deport this alien in compliance with the warrant of deportation under the act of February 5, 1917. He was accordingly transferred from Seattle to New York for deportation with a party of deportees leaving Seattle February 6, 1919. It seems that soon after his arrival in New York he was released from custody. The grounds upon which he was released is not shown by the Seattle file, as that office was not advised concerning his release. While held in the detention station at Seattle awaiting an order of deportation Ross continued his activities for his organization by initiating new members into the organization among other aliens detained with him on various charges. He was also a close follower of Arthur J. Smith, just mentioned, in his efforts to "battleship" the detention station. Shortly after his release at New York he attended I. W. W. meetings in New York and then proceeded West. He was soon heard of again at Port Angeles where he was working even more actively for the I. W. W. organization than he had been prior to his original arrest. His activities became so flagrant that the county authorities reported the matter to the Seattle office, which in turn reported to the bureau.

Finally the county authorities, failing to obtain relief from the Immigration Service, arrested Ross on a State criminal syndicalism charge which was also reported to the bureau together with a

detailed report of the alien's activities subsequent to his release. At first the Seattle office was advised by the bureau that the original warrant of arrest for Ross was "still in full force and effect." Later, however, the department issued another warrant for the alien's arrest and instructed that same be served on him and that he be given another hearing on a deportation proceeding. This was done and the matter is still pending before the department. The last hearing shows that Ross, in addition to being very active in connection with the I. W. W. organization, was also actively affiliated with the Union of Russian Workers, an anarchist organization.

As before stated, there is nothing in the Seattle file to indicate what showing was made to cause the department to release this alien after the Government had been put to the expense of transporting him from Seattle to New York for deportation. However, the record in the present proceeding would indicate that the Government will be obliged to again pay the expense of transporting this alien from Seattle to New York.

CASE OF MAGNUS OTTERHOLM.

The case of Magnus Otterholm, bureau file 54517/33, is that of another alien who was extremely active as an agitator on the Pacific coast. He was a prominent member of the I. W. W., and after being ordered deported was transferred from Seattle to New York and later released. While under arrest in Seattle he followed the lead of Arthur J. Smith, previously mentioned, and assisted him to "battle-ship" the detention station.

Memoranda pertaining to his case, as copied from the files of the Bureau of Immigration, read as follows:

UNITED STATES DEPARTMENT OF LABOR BUREAU OF IMMIGRATION, Washington.

1. Full name of person arrested: Magnus Otterholm, or Magnus Anderson Otterholm.
2. Number of case (Bureau of Immigration files): 54517/33.
3. Date of warrant of arrest: August 12, 1918.
4. Charge upon which arrest was made: That he has been found advocating or teaching the unlawful destruction of property.
5. Date and place of arrest: August 12, 1918; Seattle, Wash.
6. Disposition of case: Warrant of deportation to Norway at Government expense issued January 19, 1919. Transferred to Ellis Island pending deportation. Paroled.
7. Status of case at present: Pending.

54517/33.

OCTOBER 28, 1918.

In re Magnus Otterholm, or Magnus Anderson Otterholm, aged 42, single, native and subject of Norway; entered, presumably, at New York ex-steamship *Majestic*, in March, 1918.

Memorandum for the Acting Secretary:

The above-named alien was arrested at Seattle, Wash., on the ground that he has been found advocating or teaching the unlawful destruction of property. Section 19 of the immigration act provides that "any alien who at any time after entry shall be found advocating or teaching the unlawful destruction of property * * * shall, upon the warrant of the Secretary of Labor, be taken into custody and deported."

This man claims that he has been a member of the I. W. W. for about one year, and since May of this year has carried credentials as organizer and delegate, collected money, and paid dues. While he admitted that he believed in the principles and tenets of the I. W. W., when paragraphs were read to him from the official literature of this organization, he attempted in many instances to hedge, refusing to commit himself as to his approval of same. At any rate, he has been an active member and

an agitator, and has supported the doctrine of sabotage to the best of his ability, despite his denial of belief in such doctrine. This man has a criminal record, admitting that he served more than two years in the Washington State Penitentiary at Walla Walla for grand larceny, and again for about the same period in that institution for forgery. In addition to this he has been confined in jail on a number of occasions for drunkenness or minor offenses.

It should be observed that, while (necessarily) repeated references are made to the I. W. W. and alien's membership therein, it is not alien's membership, but what he has done, as exemplified by the record as a whole, that is being considered as evidence against him.

The bureau is convinced that this man is guilty of the charge in the warrant of arrest, and upon that ground has to recommend his deportation to Norway at Government expense when possible. Until then, he should be kept in detention under default of bond, as it is believed he is not a safe person to be allowed at large upon his own recognizance.

A. CAMINETTI, *Commissioner General.*

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary.*

54517/33.

MARCH 14, 1919.

In re Magnus Otterholm.

Supplemental memorandum for the Acting Secretary.

This case was brought to the attention of the department in bureau memorandum of October 28 last, and a warrant issued for the alien's deportation on November 19 on the ground that he had been found advocating or teaching the unlawful destruction of property. A strong argument has been made in the alien's behalf by Attorneys Lowe and Recht (representing the I. W. W.), and on the basis of their representations the record has again been reviewed at length. While the alien has not admitted that he distributed the literature of the organization in which the unlawful destruction of property is taught, the record, taken as a whole, shows so clearly the participation of the alien in building up the organization, both as to its membership and as to its finances, and it is so well established from the numerous records of similar cases now before the bureau that it is a part of the duties of those engaged in this work to distribute such literature, that there seems to be no room for doubt of the alien's participation in that particular part of the work. Moreover he has aided the distribution of such literature by the work which he had admittedly done, so that the record seems ample to justify the conclusion reached by the bureau and the department that the alien has been advocating or teaching the unlawful destruction of property. From a purely technical standpoint, the case might be regarded as close. Taking the record as a whole, however, and endeavoring to have regard for what seems to be its substantial elements, there seems to be little, if any, doubt that Otterholm has been spreading the doctrine of unlawful destruction of property. The record shows that the alien applied for a writ of habeas corpus in the Western District of Washington, but that his attorney entered into a stipulation with the United States attorney agreeing that an order denying the application should be entered because the case was so similar to others in which the court had denied the writ.

The bureau recommends that the petition for reopening the case be denied.

A. CAMINETTI, *Commissioner General.*

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary.*

54517/33.

APRIL 19, 1919.

COMMISSIONER OF IMMIGRATION,
Ellis Island, New York Harbor.

The bureau refers to the case of Magnus Anderson Otterholm, who has been delivered at your port from the Pacific coast, for deportation, and advises that, by direction of the Acting Secretary, the alien may be paroled from custody upon his own recognizance until his case is finally disposed of. For your information a copy of the bureau's memorandum of April 17 is inclosed herewith.

For the Commissioner General.

Exact copy as signed by Alfred Hampton, Assistant Commissioner General.

Mailed 4-21-19.

(The memorandum of Apr. 17 mentioned appears in case Wm. Longbors before quoted.)

CASE OF CHRIST L. JOHNSON.

The case of Christ L. Johnson, bureau file 54879/50, is that of another alien who was an active and radical member of the I. W. W. organization. Johnson was ordered deported and transferred from Seattle, Wash., to New York for deportation. He was released shortly after arriving in New York and was next heard of in Omaha, Nebr., where he was arrested by the city authorities and again the subject of investigation by the United States Immigration Service. Papers pertaining to this case, as copied from the bureau files, read as follows:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington

1. Full name of person arrested: Christ L. Johnson.
2. Number of case (Bureau of Immigration files): 54379/50.
3. Date of warrant of arrest: January 19, 1918.
4. Charge upon which arrest was made: That he has been found advocating or teaching the unlawful destruction of property, and that he was a person likely to become a public charge at the time of his entry into the United States.
5. Date and place of arrest: January 19, 1918; Seattle, Wash.
6. Disposition of case: The first charge above noted not being fully sustained, alien was rearrested under the act of October 16, 1918, on the ground that he "was a member of an organization advocating or teaching the destruction of property," which charge was sustained and his deportation to Norway at Government expense directed. Was removed to Ellis Island for deportation and writ of habeas corpus applied for in southern district of New York. Pursuant to understanding had in similar cases, alien was paroled on his own recognizance.
7. Status of case at present: Pending. Alien paroled.

54379/50

FEBRUARY 4, 1919.

In re Christ L. Johnson.

Memorandum for the Acting Secretary.

The essential points in the testimony elicited from this alien under previous warrant of arrest will be found briefly reviewed in previous bureau memorandum indicated at marker, to which your attention is invited.

It will be remembered that the old warrant of arrest charged the alien with advocating or teaching the unlawful destruction of property. While the record showed that there was some evidence upon which to base this charge, the facts brought out did not appear to be sufficient to justify deportation on that ground. On the other hand, it was not considered advisable to cancel the warrant proceedings outright, but to release the man on probation for a period of one year on his promise to report to the commissioner of immigration at Seattle at regular intervals of three months as to his whereabouts and occupation. This he refused to do. The new immigration act of October 16, 1918, having come into effect, it was then decided, in view of his refusal to comply with the department's terms, and the fact that he seemed to fall within its scope, to rearrest him under the new act on the following grounds:

"That he has been found a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or that advocates or teaches the unlawful destruction of property."

A new hearing has been accorded and the same has been reviewed by the bureau. At this hearing the alien refused to swear or to affirm as to the truth of his statements, and same therefore should not receive full credence. He also refused to answer any and all questions as to his membership or connection with the I. W. W. The bureau calls attention to his sworn testimony in a previous hearing, which has been incorporated into and made a part of this record, wherein he states that he is a member of the I. W. W., and exhibited his membership book in support of this statement, indicating that he joined in August or September, 1916, and that his dues were then paid to February, 1918, or to a date subsequent to his arrest. Therefore the bureau has

established a prima facie case on the point of member by his previous sworn statement and his membership book, and the burden is now on the alien to prove that he is not. His refusal to answer questions on this point would seem to be a tacit admission that he is a member of the I. W. W., rather than any proof that he is not.

His attorney has had read into the record the testimony of T. F. G. Dougherty offered in the case of one Axel August Hendrickson in the attempt to show that the I. W. W. organization does not teach or advocate the unlawful destruction of property; also excerpts from the works of certain well-known I. W. W. and other radical authors tending to show that the term "sabotage" does not mean unlawful destruction of property.

In answer to this defense the bureau calls attention to the testimony of one James O'Brien, a member or a leader in the I. W. W., offered in the trial of the State of Washington v. Fred Lowery and Charlie Brown, which has been incorporated into and made a part of this record; also to numerous excerpts and passages obtained from the I. W. W. official literature and from other literature published, sold, or disseminated by the order in carrying on its propaganda.

In the opinion of the bureau, this evidence produced by the Government completely refutes and overcomes that offered in defense of the alien and shows beyond a doubt that the I. W. W. is an organization teaching or advocating the unlawful destruction of property.

Considering the record as a whole, the bureau is convinced that this alien is a member of or affiliated with an organization teaching or advocating the unlawful destruction of property, and upon that ground has to recommend his deportation to Norway at Government expense.

A. CAMINETTI, *Commissioner General*.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary*.

54379/50.

MARCH 14, 1919.

In re Chris Johnson.

Supplemental memorandum for the Acting Secretary.

This case in every material respect corresponds to that of James Lund (No. 54379/44), submitted simultaneously; and the bureau recommends that the alien be released on his own recognizance.

A. CAMINETTI, *Commissioner General*.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary*.

UNITED STATES DEPARTMENT OF JUSTICE.

BUREAU OF INVESTIGATION,

OMAHA DIVISION,

December 18, 1919.

Mr. O. B. HOLTON,

Immigrant inspector, Omaha, Nebr.

DEAR SIR: In accordance with your request, I make the following statement concerning my knowledge of Chris L. Johnson and his attitude toward the Government and Government officials:

On November 18, 1919, I interviewed him at the Omaha police station in connection with his arrest by the police on the following day when I. W. W. headquarters in Omaha were raided. At that time he gave his age as 42 years, but refused to answer further questions as to his nationality, race, and citizenship. In reply to my questions he replied "that the Government had all this information concerning him." After considerable urging he did tell me that he was a native of Norway and that he had been arrested in Seattle, Wash., by the immigration authorities and had been held there 14 months awaiting deportation; that he, together with others, was delivered at Ellis Island, N. Y., en route to Europe, but that he was released with a number of others from Ellis Island and his deportation was not effected.

He refused absolutely to furnish any other information about his entrance into the United States or his movements here since arrival. His attitude was that of bitterness toward Government officials because of his period of confinement in Seattle. I can not recall his remarks at this time, but at any rate it was in the spirit of criticism because of his confinement at Seattle.

On November 16, I talked with Johnson at I. W. W. headquarters. He joined with others in expressing disapproval of the existing economic conditions in this

country, and Johnson was one of the number who approved of the present Russian Government and he expressed his hope and belief that the day is near when the workers in this country will bring about the social revolution in the United States which is to emancipate all the "slaves."

As there was a number of others talking on the same subject and each interspersed his views, I am unable to recall the language used by Johnson or the extent of his remarks, but at any rate he said sufficient to convince me that he is a rabid advocate of the I. W. W. principles and a firm believer in their doctrine of an industrial revolution which will entirely change the present order of things, both with respect to our form of government and the relations which now exist between the employer and the employed.

Very truly, yours,

* JAMES H. DALY,
Special Agent in Charge.

UNITED STATES DEPARTMENT OF LABOR,
IMMIGRATION SERVICE,
OFFICE OF INSPECTOR IN CHARGE,
1305 Chemical Building, St. Louis, Mo., February 2, 1920.

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

Referring to bureau letter of the 26th ultimo, No. 54379/50, I have to report that letter just received from Inspector Brashear, of our Omaha office, states that the alien, Christ L. Johnson, was released from jail on December 1, 1919, under bond pending the determination of his appeal to the district court. Inspector Brashear reports that the present whereabouts of the alien are unknown, but that he will endeavor to locate him and to keep him under surveillance.

JAMES R. DUNN, *Inspector in Charge.*

CASE OF PETER WILLIAMSON MELTA.

Peter Williamson Melta, or as he was commonly known, Peter Williamson, bureau file 54379/134, was secretary and treasurer of the Lumber Workers' Local No. 500 of the I. W. W. organization, located at Raymond, Wash. It was there he was arrested on a deportation proceeding after he had served a term upon a conviction under the State law growing out of his activities in said organization. He was extremely radical and active. He had been denied citizenship shortly before his arrest; the cause of this denial was his activities in the I. W. W. He was transferred from Seattle to New York for deportation and later released. The next heard of him was in Duluth, Minn., where he became the editor of an I. W. W. paper printed in the Finnish language. It is understood that he was arrested some months ago by the city authorities at Duluth, but as to just what was the outcome of his case I am unable to state.

Documents pertaining to his case, as copied from the files of the Bureau of Immigration, read as follows:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington.

1. Full name of person arrested: Peter Williamson Melta (or Merta), alias Peter Williamson, alias Peter M. Williamson.

2. Number of case (Bureau of Immigration files): 54379/134.

3. Date of warrant of arrest: First warrant, March 1, 1918; second warrant, December 13, 1918.

4. Charges upon which arrest was made: (1) That he has been found advocating or teaching the unlawful destruction of property. (2) That he has been found advocating or teaching the unlawful destruction of property; and that he has been found a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States

or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or that advocates or teaches the unlawful destruction of property.

5. Date and place of arrest: (1) April 30, 1918, North Yakima, Wash.; (2) warrant of arrest not executed; originated in Seattle, Wash., office.

6. Disposition of case: (1) Writ of habeas corpus denied. Warrant of deportation to Finland at Government expense issued January 13, 1919. Transferred to Ellis Island for deportation. Paroled on \$500 bond.

7. Status of case at present: Deportation pending issuance of passport by provisional Finnish minister.

JANUARY 3.
DECEMBER 12, 1918.

In re Peter Williamson Melta, alias Peter Williamson, alias Peter M. Williamson, aged 32, native and citizen of Finland, last entered at Vancouver, British Columbia, in December, 1907.

Memorandum for the Acting Secretary.

The above named alien was arrested at (Raymond) North Yakima, Wash., on the ground that he has been found advocating or teaching the unlawful destruction of property.

This man states that he is not only a member of the I. W. W. but has been an active worker in the organization, holding the office of organizer and delegate for a considerable time. He was also secretary of this organization at Raymond, Wash. The evidence shows that he applied for final citizenship papers in the superior court at South Bend, Wash., but was denied same on account of his affiliation with the I. W. W. At the time of his arrest there was found in his room a complete organizer's and secretary's outfit consisting of blanks and literature. This man admits having been arrested on four previous occasions, twice for drunkenness, for which he received a fine of \$10 on each occasion and twice on vagrancy charges, resulting in his serving short jail sentences. Not only does he admit his belief in the doctrines and tenets of the I. W. W. organization, as set forth in its official literature but he has taken an active part in the distribution of such literature while serving in the capacity of secretary, organizer, and delegate. The official literature mentioned advocates and teaches sabotage or the unlawful destruction of property.

The bureau is of opinion that this man by his acts, if not by word of mouth, is guilty of advocating or teaching the unlawful destruction of property as charged in the warrant of arrest, and upon that ground has to recommend his deportation to Finland at Government expense.

A. CAMINETTI,
Commissioner General.

Approved:
LOUIS F. POST, *Acting Secretary.*

UNITED STATES DEPARTMENT OF LABOR,
IMMIGRATION SERVICE,
OFFICE OF COMMISSIONER OF IMMIGRATION,
Ellis Island, N. Y., July 31, 1919.

CHARLES RECHT, Esq.,
47 West Forty-second Street, New York City.

DEAR SIR: I acknowledge receipt of your communication of July 29, in reference to Mr. and Mrs. Merta. In reply thereto I have to advise you that appropriate steps are being taken by the Washington authorities to obtain the required official documents whereby Mr. and Mrs. Merta may be returned to Finland and unless such efforts fail—and I have no reason at the present time to believe that they will—it does not seem proper that either of the aliens should be released on bond. You state that "Mrs. Merta is on Ellis Island of her own free will in order that she might be with her husband." The records of this office show that the Acting Secretary of Labor has ordered her deportation upon the ground "that she has been found a member of or affiliated with an organization that advocates or teaches the unlawful destruction of property."

I note that you enter a protest "against what practically amounts to the solitary confinement of this woman." You are informed that she is not in solitary confinement. Almost immediately after the deportation of the "Roy Sisters" Mr. Merta was given permission to visit his wife at any and all times he pleased during the day,

and had availed himself of that privilege. Very properly Mrs. Merta has not been permitted to remain in the room set aside for her detention of the men, nor do I know that she desired, or desires to do so. I do not know the source of the information upon which you made your statement, but the fact is that she has not been "separated from her husband and kept in a room alone all day, with the exception of the brief respite of two hours a day."

Respectfully,

BYRON H. UHL,
Assistant Commissioner.

Copy respectfully referred to the Commissioner General of Immigration, for his information, reference being made to his file No. 54379/134.

BYRON H. UHL,
Assistant Commissioner.

(Unsigned memorandum in bureau files:)

PETER MERTA.

Bureau No. 54379/134.

Page 4, hearing of March 1, 1918: Was secretary of the I. W. W. at Raymond, Wash.

Page 5: Was a delegate of the organization both before and after he was secretary; part of his duties as secretary was to distribute literature amongst the delegates and to perform that duty.

Page 7: Did not have much supplies in his room when apprehended, as he had just got in. (His meaning is that he had just returned from a temporary absence.)

Page 12: As an organizer he distributed the book *The I. W. W., Its History, Structure, and Method*, by Vincent St. John.

Page 13: St. John's book, above mentioned, is published by the I. W. W. organization, and the label on it is the I. W. W. label; money obtained from the sale of the book goes into the funds of the organization; admits, reluctantly, that he has sold books and collected money, and that in doing these things he was assisting and spreading the organization's propaganda.

Pages 13-14: Sees nothing wrong in the declaration in St. John's book that the I. W. W. uses any and all tactics that will get the result sought, in the quickest manner; that the tactics are determined solely by the power of the organization to make good in their use; that the question of right and wrong does not enter into the matter but that he does not believe in some of the other teachings in the book.

(Pages 13 and 14 might be read in their entirety, as they are important in this case and are a strong light on all of the cases.)

NEW YORK, *August 11, 1919.*

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

SIR: In re Mr. and Mrs. Peter Williamson Merta, No. 98524/19: Referring to my recent conference with you, I beg to suggest that in view of the impossibility of immediate deportation of these aliens that they be let out on bail of \$500 each, and in the event of their release that the deportation be suspended for a sufficiently long time to permit them to obtain positions and earn a little money before they are deported to Finland. I sincerely hope you will give this immediate attention, remembering the facts I brought to your mind personally when I saw you.

Respectfully,

CHARLES RECHT, *Counselor at Law.*

DEPARTMENT OF JUSTICE,
Washington, D. C., February 19, 1920.

HON. ANTHONY CAMINETTI,
Commissioner General of Immigration,
Washington, D. C.

DEAR MR. CAMINETTI: It has come to my attention that one Peter William Merta, of Seattle, Wash., who was a member of that party of 50 or more aliens transported from the West to New York for deportation last winter, is now in Duluth, Minn., and

is one of the editors of the *Industrialisti*, a Finnish daily published at Duluth. I am informed that this alien was detained at Ellis Island for some time, but was recently released on bond or parole.

Will you kindly advise me what the status of this case is? If this alien is now out on bond, the amount of such bond.

Very truly, yours,

J. E. HOOVER,
Special Assistant to the Attorney General.

CASE OF CHARLES BERNAT.

The case of Charles Bernat, bureau file 54379/491 is that of an alien who at the time of his arrest was the secretary and treasurer of local No. 700 branch of the I. W. W. organization. He had been very active in promoting the teachings and interests of that organization and his arrest grew directly out of these activities. He was transferred from Seattle to New York for deportation after he had applied for a writ of habeas corpus in the United States district court at Seattle and said writ had been denied. He applied for a writ after he arrived in New York, which was also denied; he was then released on bond, although the United States attorney at New York advised the Bureau of Immigration, by letter under date of July 7, 1919, that he could see no reason why this alien, and several others mentioned, should not be deported.

Documents copied from the files of the Bureau of Immigration, pertaining to this case, read as follows:

UNITED STATES DEPARTMENT OF LABOR,
IMMIGRATION SERVICE,
Seattle, Wash., August 8, 1918.

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

Referring to bureau file 54379/491, I transmit herewith the record of the hearing accorded Charles Bernat, arrested under Secretary's warrant of June 4, 1918, and now detained at this station in default of bond.

The alien has not availed himself of the privilege of securing an attorney.

I concur in the recommendation of the examining inspector who recommends that the alien be deported on the ground that he has been found advocating or teaching the unlawful destruction of property.

JOHN H. SARGENT,
Acting Commissioner.

SEATTLE, WASH., *November 25, 1918.*

IMMIGRATION BUREAU, *Washington.*

Habeas corpus hearing cases Michel Brech, Peter Zibrands, Charles Bernat, bureau files 54379/422/181/491, set for to-day as reported in my wire of 18th instant. Were continued by Judge Neterer until December 2 in order to give Secretary opportunity render decision and mail original records Seattle.

WHITE.

In re Charles Bernat, aged 39, single, native and subject of Russia, entered without inspection, presumably at Tacoma, Wash., in 1902.

Memorandum for the Acting Secretary.

The above-named alien was arrested at Seattle, Wash., on the grounds that he has been found advocating or teaching the unlawful destruction of property, and that he was a person likely to become a public charge at the time of his entry.

This man has been a member of the I. W. W. for the last 10 years; has carried credentials as a delegate and organizer, and recently held the office of secretary of branch No. 500. His duties as secretary were to distribute literature, collect dues, handle accounts, and solicit new members, although he says that very little literature was sent out by his office. He admits having aided and supported the organization in

every way that he could. He is a man of fair intelligence, yet attempted to plead ignorance when questioned as to his beliefs in the principles and tenets of the I. W. W. A review of the testimony, however, shows clearly that he does believe thoroughly in propaganda taught in the official books and pamphlets of the organization, although he endeavored to evade when particular paragraphs were brought to his attention.

It should be observed that, while (necessarily) repeated reference is made to the I. W. W. and alien's membership therein, it is not alien's membership, but what he has done, as exemplified by the record as a whole, that is being considered as evidence against him.

The evidence is clear in this case that the above-named alien has by his acts aided and supported the doctrine of sabotage as taught by the I. W. W. It is therefore recommended that he be deported to Russia, at Government expense, when possible, on the ground that he has been found advocating and teaching the unlawful destruction of property. Until then he may be paroled under the terms of rule 17-A. (See bureau circular of June 29, 1918.)

A. CAMINETTI,
Commissioner General.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary.*

[Telegram.]

DEPARTMENT OF LABOR,
Seattle, Wash., January 1, 1919.

IMMIGRATION BUREAU,
Washington, D. C.:

Informed attorney for Charles Bernat No. 54379/491 requesting bond be fixed \$1,000. I oppose releasing said alien under bond, any amount. He is ringleader, and wants release in order to participate in activities now being renewed.

WHITE.

JANUARY 14, 1919.

IMMIGRATION SERVICE, *Seattle, Wash.:*

Do not believe advisable, refuse Charles Bernat bond. Relay 50.

POST.

Attest.

Exact copy as signed by Louis F. Post, Assistant Secretary.

Mailed 1-1419 by B.

(NOTE.—Relay 50 means release on \$5,000 bond.)

JANUARY 15, 1919.

RALPH S. PIERCE,
607 Central Building, Seattle, Wash.:

Bureau convinced after careful consideration evidence deportation Charles Bernat justified, in which court concurs. No effort will be made deport your client without giving him reasonable opportunity to have case decided on appeal. However, in view his reputation agitator and trouble maker, bureau will not consider release on bond less than five thousand.

CAMINETTI.

Attest.

Exact copy as signed by A. Caminetti, Commissioner General.

DEPARTMENT OF LABOR,
Seattle, Wash., January 14, 1919.

IMMIGRATION BUREAU,
Washington, D. C.:

Charles Bernat, 54379/491, confined Seattle, Wash., requests release \$1,000 bail pending deportation. Prior to deportation order bail fixed one thousand by local commissioner, warrant November 29, 1918, ordered deportation deferred until definite plans for deportation to Russia made and authorized release under rule 18-A. Bernat, confined since June 3, is suffering from eczema and needs change of air and diet. Can not furnish bail in excess of \$1,000. Answer collect.

RALPH S. PIERCE,
607 Central Building.

MARCH 14, 1919.

In re Charles Bernat (and Sam Dixon).

Supplemental memorandum for the Acting Secretary.

Both of these aliens were ordered expelled under the act of February 5, 1917, on the ground that they had been found advocating and teaching the unlawful destruction of property. In both cases the evidence shows that the men had been more or less active in distributing literature advocating and teaching the unlawful destruction of property. In both writs of habeas corpus were sued out, and Judge Neterer in dismissing the writs stated:

"There are several ways by which a person may teach or advocate. It need not be from the public platform or through personal utterances to individuals or groups, but may be done as well through written communications, personal direction, through the public press, or through any means by which information may be disseminated, or it may be done by the adoption of sentiment expressed, or argument made by others which are distributed to others for their adoption and guidance."

In this decision the court reviewed at considerable length the literature distributed by the I. W. W. and by the two aliens while they were members of the I. W. W. The court then pointed out that there was evidence in the record supporting the charge that the particular aliens had been advocating and teaching the unlawful destruction of property. The decision supports the department's conclusions in these and in a number of similar cases in each and every particular.

Attorneys Lowe and Recht (representing the I. W. W.), have submitted briefs and made earnest arguments in favor of the two aliens; but nothing could be clearer than that the bureau and department have reached a correct conclusion, and it is recommended that the petition for reopening the cases be denied.

A. CAMINETTI, *Commissioner General*.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary*.

NEW YORK, June 6, 1919.

COMMISSIONER GENERAL OF IMMIGRATION,

Washington, D. C.

Writ habeas corpus Melta, Kisil, Holm, Bernat, Dixon, Dewal, dismissed; Jackson sustained; McDonald not yet decided.

CAFFEY, *United States Attorney*.

NEW YORK, June 9, 1919.

BUREAU OF IMMIGRATION,

Washington, D. C.

SIRS: In the case of Charles Bernat, this man is to be deported to Russia. There does not seem any possibility at the present time of transportation to that country. This man has been in prison for a long time and unless an immediate arrangement can be made for his deportation, we are going to take his case up on appeal.

His transportation to Russia would also have to be to a port not under control of the Kolchak, Denikin, Semenoff, or other reactionary groups.

Very truly, yours,

CHARLES RECHT, *Counsellor at Law*.

DEPARTMENT OF JUSTICE,
UNITED STATES ATTORNEY'S OFFICE,
New York, July 7, 1919.

The COMMISSIONER OF IMMIGRATION,

Ellis Island, New York Harbor, N. Y.

SIR: The writs of habeas corpus obtained by Martin De Wal, Mr. and Mrs. Peter W. Merta, Alex. Kisil, Sam Dixon, Charles Bernat, and Fritz Holm, have been dismissed and there is now no reason why these persons should not be deported.

In addition, you may deport the following aliens: Donald McPherson, Frank Mihalik, Albert Osborn, Kazis Maskilunas.

I may add that in the Maskilunas case, your department has agreed with the alien's attorney to receive additional evidence. I have nothing to do with that arrangement and the court is not concerned with it. There is no legal reason why Maskilunas should not be deported with the rest.

Respectfully,

FRANCIS G. CAFFEY,
United States Attorney.

[Telegram.]

DEPARTMENT OF LABOR,
New York, July 14, 1919.Hon. A. W. PARKER,
Commissioner of Immigration, Washington:

In reference to cases of Chas. Bernat, Alex Kissil, Peter Maskalums, and Joseph Muche, application is being made for immediate relief, pending deportation to Russia and Austria. Bond file on Ellis Island to-day and urgency respectfully requested. This in reference to conversation had over long-distance phone to-day. Please also instruct Ellis Island to release McDonald.

CHARLES RECHT.

Send files to me. A. W. P.

UNITED STATES DEPARTMENT OF LABOR,
IMMIGRATION SERVICE,
Ellis Island, New York Harbor, N. Y.COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.:

You have before you a bond executed by the National Surety Co. in the sum of \$1,000 for the release of Charles Barnat, your No. 54379/491, now detained at Ellis Island. Before directing his release will you please carefully consider my letter of July 15, addressed to you, regarding the release of aliens of this class under bond, pending deportation. I beg to inclose copy of letter received from the district attorney under date of July 7 regarding 10 cases which were before Judge Hand under writ of habeas corpus.

BYRON H. UHL,
Assistant Commissioner.

JULY 16, 1919.

In re Charles Bernat and Alex. Kisil.
Supplemental memorandum for the Acting Secretary.

See telegram from Attorney Recht attached to the Bernat file. So much thereof as relates to other cases than these two has already been disposed of.

Mr. Recht now urges that these two aliens be released under bond pending an opportunity to deport them, Bernat to Russia and Kisil to Austria.

In the Kisil case the bureau is willing to recommend that the attorney's request be granted. The record does not show the alien to be especially dangerous, and it probably will be some time before an opportunity to send him to Austria will arise.

In the Bernat case, however, the bureau is not willing to recommend release under bond. This alien has made two unsuccessful attempts to have the department's decision overruled by the courts. He is undoubtedly a radical. Even his attorney contends that when he is returned to Russia, it will be necessary to send him to a port "not under control of the Kolchak, Deniken, Semenoff, or other reactionary groups." While the bureau is not particularly concerned, at this time, to this contention, it does point significance to the fact that Bernat is a Bolshevik. It is recommended that the petition with regard to him be denied.

A. CAMINETTI, *Commissioner General.*

Approved as to Kisil. Pending deportation, release Bernat under \$1,000 bond.

JOHN W. ABERCROMBIE, *Acting Secretary.*

JULY 22, 1919.

IMMIGRATION SERVICE,
Ellis Island, N. Y.

Not anarchist. Bombast Alex. Kisil, Joseph Mucha, and Charles Bernat.

Attest:
HAMPTON,
For the Commissioner General.

ASSISTANT COMMISSIONER GENERAL.

NOTE.—Bombast is a code word for "Release on bond."

DECEMBER 2, 1919.

COMMISSIONER OF IMMIGRATION,
Seattle, Wash.

The aliens Sol Ehrlich, Alex Kisil, and Charles Bernat, who were released on bond from Ellis Island some months ago, are believed to be at the present time somewhere in your district, the address of Alex Kisil having been given to the bureau as "P. O. box 365, Seattle, Wash."

Please advise the bureau by wire whether your office has any record of the whereabouts of these aliens, and if they can be produced for deportation within a reasonable length of time.

(Stamped:) Exact copy as signed by A. Caminetti, Commissioner General.

(Seattle sends telegram in reply to this letter; see file 379/425.)

UNITED STATES DEPARTMENT OF LABOR,
IMMIGRATION SERVICE,
Ellis Island, New York Harbor, N. Y., January 5, 1920.

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.:

I desire to call your attention to the case of Charles Bernat, your No. 54379/491, who is at large under bond in the sum of \$1,000, the National Surety Co. having furnished the same. Please advise what action you desire taken in the premises.

BYRON H. UHL, *Acting Commissioner.*

CASE OF SOL EHRLICH.

Of all the radical members of the I. W. W. organization brought from the Pacific coast to New York for deportation it is probable that Sol Ehrlich, bureau file 54379/12, was the most bitter. He had at one time been the secretary and treasurer of the organization at Monroe, Wash., and was at all times very active in spreading their propaganda. After being brought from Seattle to New York for deportation, he was released on bond, and his present whereabouts are unknown.

Documents pertaining to his case, as copied from files of the Bureau of Immigration, read as follows:

NOVEMBER 19, 1918.

In re Sol Ehrlich (or Erlick), aged 28; native and subject of Russia; Hebrew race; entered presumably at New York, N. Y., on November 22, 1908.

Memorandum for the Acting Secretary.

The above-named alien was arrested at Everett, Wash., on the grounds "that he has been found advocating or teaching the unlawful destruction of property; and that he was a person likely to become a public charge at the time of his entry into the United States."

This man states that he has been a member of the I. W. W. organization since April 27, 1917; that at the time of his arrest he held the office of secretary at Monroe, Wash.; and that he has collected funds, initiated new members, and performed all the duties required of a secretary. He claims that he is not in sympathy with certain of the teachings and principles of the organization to which his attention was particularly called by the examining officer, and agreed with parts of some of the others which were mentioned. It will be noted that in attempting to distinguish between the principles with which he agreed and those which with he did not agree, he took refuge in the statement that the author of the quoted principles had not gone into the matter with sufficient detail. He has specifically acknowledged his belief in sabotage (p. 6), and with the taking of every action that would do good to the working class (p. 7). He acknowledged that he distributed to the new members publications which contained principles of the organization to which he had subscribed. It seems likely that he is in sympathy with the Bolsheviks, for at the time of his arrest he was loitering near a Bolshevik ship which had just come into the harbor, and following his arrest a Denver paper published the following statement:

"Sol Ehrlich sits in a cell at the United States Immigration station in Seattle quietly chuckling to himself. He went down to the dock, got pinched for being a Bolshevik, and is to be deported from free America to the darkest Russia. Even after this is published it is doubtful whether the authorities here can tell just what the joke is that moved Ehrlich to mirth."

Ehrlich, during his confinement at the Seattle detention quarters, has been more or less a trouble maker among his fellow prisoners. As a side line on his character there is attached in the file, at marker, a letter written by him to his wife, which was intercepted by the immigration authorities. It seems that Ehrlich gambled with his fellow prisoners and lost the sum of \$20, which he was unable to pay. In the letter he demands that his wife earn and bring to him this amount if she expects to keep on good terms with him. At the time of this demand, Mrs. Ehrlich was earning her own living and supporting their child.

While reference has been made to the I. W. W. and to aliens membership therein, it is not the fact of the membership in that organization that is considered as evidence against him. It is the fact that in connection with the organization he had advocated or taught certain doctrines including that of sabotage and the unlawful destruction of property.

The allegation that alien was likely to become a public charge at the time of entry must be dropped as he has been in this country more than five years.

It is recommended that the warrant of deportation be issued on the ground that alien has been found advocating or teaching the unlawful destruction of property, deportation to be to Russia at Government expense when possible, and in the meantime the man should be permitted at large under bond which the record indicates has recently been furnished. The department will determine when deportation should occur.

A. CAMINETTI, *Commissioner General.*

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary.*

SEATTLE, WASH., May 7, 1918.

DEAR BROTHER HENRY: Have received information to-day that you are already in military service at Camp Upton.

I want to express to you my wishes that in case you are sent to France to fight, that you will be fortunate in surviving from the terrible slaughter house that the lords of commerce are carrying on. I never dreamed about ever knowing that you will be a soldier; however, the unexpected sometimes happens.

Dear brother, write me how you are getting along; I know that you, with your character, so sensitive, and mild will be made to shoulder a gun for the purpose of killing; I feel with you, brother.

You will notice that I write from the United States detention station at Seattle, I have been imprisoned for nearly five months for daring to revolt against the capitalists' system of human exploitation, for belonging to the I. W. W. (Industrial Workers of the World) that the Government is persecuting now.

Please write from wherever you may be, as I would be glad to hear from you. Awaiting a reply, I remain,

Your brother,

SOL EHRLICH,
United States Detention Station, Seattle.

Best regards from Wash, my wife, and child. S. E.

DEPARTMENT OF LABOR,
IMMIGRATION SERVICE,
OFFICE OF COMMISSIONER OF IMMIGRATION.
Ellis Island, New York Harbor, N. Y.

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.:

One of the radicals brought here with the original group from Seattle was Sol Ehrlich. The file relating to him was taken by the congressional committee when at Ellis Island, and I believe the bureau number is 54379/12. In any event the man was released on bond. It is my recollection that he is a native of Russia. While at this station he was one of the leaders of the group referred to and made several most radical utterances in the hearing of officers at this station. I do not feel that he should be permitted to remain at large, and if there is any prospect of returning natives of Russia to that country in the immediate future he should be taken into custody at once. If you agree with me as to this I trust you will so order, and furnish the names of the sureties upon the bond filed in his behalf, so that demand may be made upon them for his production here.

BYRON H. UHL, *Acting Commissioner*

[Telegram.]

SEATTLE, WASH., December 8, 1919.

IMMIGRATION, Washington:

Re bureau letter 2d instant, bureau file 54379/12/425/491, Sol Ehrlich and Alex Kisil and Charles Bernal, last record this office has concerning these aliens is receipt from commissioner of immigration, Ellis Island, for said aliens, dated December 4, 1918; as no notice to the contrary was received it was presumed that these aliens had been deported in accordance with department warrant. Post-office box 356, Seattle, rented to Frank Baker, secretary I. W. W. organization, and has been in charge post-office inspectors for some time. Nothing to indicate that Kisil has received mail there.

WHITE.

CASE OF AXEL HENDRICKSON.

The case of Axel Hendrickson is that of another alien removed from Seattle to New York for deportation and released. There is nothing in the file, however, to indicate why he was released. A memorandum in his case reads as follows:

FEBRUARY 4, 1919.

In re Axel August Hendrikson, aged 36, native and citizen of Finland; Finnish race; entered presumably at New York, N. Y., in 1901.

Memorandum for the Acting Secretary:

The above-named alien was arrested in Seattle, Wash., on the grounds that he has been found advocating or teaching the unlawful destruction of property; and that he has been found a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or that advocates or teaches the unlawful destruction of property.

This man admits that he is a member of the I. W. W. and has been such since February, 1917. He was first arrested at Aberdeen, Wash., by the local police because of his I. W. W. activities among the people of his own nationality in that town. When taken into custody he had a suit case full of membership books, due slips, copies of the constitution, and other I. W. W. literature. He was also carrying credentials as an organizer and delegate for the I. W. W.

The attorney in the case attempts to make the defense that the I. W. W. is not an organization teaching or advocating the unlawful destruction of property, and that the word "sabotage" does not mean destruction of property. He has introduced in behalf of his client a witness named T. F. G. Dougherty, who attempts to explain many of the radical and violent teachings contained in the books and pamphlets of certain prominent I. W. W. and other radical authors, whose works are published, sold, or disseminated by the order.

In answer to this testimony the bureau calls attention to that offered by James O'Brien, a member of and leader in the I. W. W. organization in the case of the State of Washington v. Fred Lowery and Charlie Brown, which case has been incorporated into and made a part of this record. Attention is further invited to numerous excerpts and passages from books and pamphlets written by prominent members of the I. W. W. and other radicals, which are quoted in the record. These writers teach and advocate all forms of sabotage, and their explanations of the term "sabotage" shows clearly that in many instances it means destruction of property. All of the books from which excerpts have been made are either published, sold, or distributed by the I. W. W. Publishing Co. Attention is invited to that part of the testimony of Mr. Dougherty, the alien's witness, in which he states that sabotage might be termed "the conscious withdrawal of efficiency, the slowing up in production, and a refusal to produce in quantity," or that "it might take the form of putting out a poor quality of work." The bureau contends that this is sabotage in its most insidious form, and that for a man to consciously withdraw his efficiency and turn out work of an inferior or defective quality might not only be the direct cause of destruction of property but also destruction of human lives.

After a careful survey of the record the bureau is convinced that this alien is a member of or affiliated with an organization teaching or advocating the unlawful destruction of property, and upon that ground has to recommend his deportation to Finland at Government expense.

A. CAMINETTI,
Commissioner General.

Approved.

JOHN W. ABERCROMBIE, Acting Secretary.

CASE OF JOHN LEIVO.

The case of John Leivo, bureau file 54379/28, is that of another alien member of the I. W. W. organization brought from Seattle to New York for deportation and there released.

Memoranda pertaining to his case, copied from bureau files, read as follows:

1. Full name of person arrested: John Leivo, alias John Litmonen.
2. Number of case (Bureau of Immigration files): —.
3. Date of warrant of arrest: First warrant, January 17, 1918; second warrant, February 5, 1918; third warrant, March 17, 1919.
4. Charge upon which arrested was made:
 - (1) That he has been found advocating or teaching anarchy or the overthrow by force or violence of the Government of the United States or of all forms of law, or the assassination of public officials; and that he was a person likely to become a public charge at the time of his entry into the United States.
 - (2) That he has been found advocating or teaching the unlawful destruction of property; and that he was a person likely to become a public charge at the time of his entry into the United States.
 - (3) That he has been found a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally of the Government of the United States or of any other organized government, because of his or their official character, or that advocates or teaches the unlawful destruction of property.
5. Date and place of arrest: (1) Not served. (2) March 1, 1918; Everett, Wash. (3) January 21, 1919; Seattle, Wash.
6. Disposition of case: (2) Alien refused parole on own recognizance for one year pending observation. (3) Warrant of deportation to Finland at Government expense issued February 4, 1919. Transferred to Ellis Island for deportation. Paroled on own recognizance.
7. Status of case at present: Pending.

FEBRUARY 4, 1919.

In re John Leivo, alias John Litmonen.
Memorandum for the Acting Secretary.

The essential points in the testimony elicited from this alien under previous warrant of arrest will be found briefly reviewed in previous bureau memorandum indicated at marker, to which your attention is invited. It will be remembered that the old warrant of arrest charged the alien with advocating or teaching the unlawful destruction of property. While the record showed that there was some evidence upon which to base this charge, the facts brought out did not appear to be sufficient to justify deportation on that ground. On the other hand, it was not considered advisable to cancel the warrant proceedings outright but to release the man on probation for a period of one year on his promise to report to the Commissioner of Immigration at Seattle, at regular intervals of three months, as to his whereabouts and occupation. This he refused to do. The new immigration act of October 16, 1918, having come into effect it was then decided, in view of his refusal to comply with the department's terms, and the fact that he seemed to fall within its scope, to rearrest him under the new act on the following ground: That he has been found a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized Government, because of his or their official character, or that advocates or teaches the unlawful destruction of property.

This man admitted at the hearing under the new warrant that he is at present a member of the I. W. W. The only defense made by the attorney was an attempt to show that the I. W. W. as an organization does not teach or advocate the unlawful destruction of property; and that the word "sabotage" does not mean destruction of property. In this attempt he had read into the record the testimony of T. F. G.

Dougherty, offered in behalf of one Axel August Hendrickson; also excerpts from the works of prominent I. W. W. and other radical writers.

In answer to this defense the bureau calls attention to the testimony of one James O'Brien, a member of and leader in the I. W. W., offered in the trial of the State of Washington v. Fred Lowery and Charlie Brown, which has been incorporated into and made a part of this record; also to numerous excerpts and passages obtained from the I. W. W. official literature and from other literature published, sold, or disseminated by the order in carrying on its propaganda.

In the opinion of the bureau this evidence produced by the Government completely refutes and overcomes that offered in defense of the alien, and shows beyond a doubt that the I. W. W. is an organization teaching and advocating the unlawful destruction of property.

Considering the record as a whole, the bureau is convinced that this alien is a member of or affiliated with an organization teaching or advocating the unlawful destruction of property, and upon that ground has to recommend his deportation to Finland at Government expense.

A. CAMINETTI,
Commissioner General.

Approved.

JOHN W. ABERCROMBIE, *Acting Secretary.*

MARCH 14, 1919.

In re John Leivo.

Supplemental memorandum for the Acting Secretary.

This case in every material respect corresponds to that of James Lund (No. 54379/44), submitted simultaneously, and the bureau recommends that the alien be released on his own recognizance.

A. CAMINETTI, *Commissioner General.*

Approved.

JOHN W. ABERCROMBIE, *Acting Secretary.*

(Unsigned memorandum appearing in bureau file in this case:)

The records show that John Leivo was born in Finland and came to the United States in 1912. He was arrested in Seattle January 16, 1918, and a hearing had March 1918, at the county jail in Everett, Wash.

On November 29, he was offered a parole but refused. He was rearrested on the charge of having violated the act of November 16, 1918, and ordered deported. The exhibits were the usual I. W. W. exhibits offered in each case. In the summary and recommendation we read: "He belongs to the usual irresponsible migratory class of I. W. W. laborers."

CASE OF AUGUST BOSTROM.

The case of August Bostrom, bureau file 54379/53, is that of another member of the I. W. W. organization brought from Seattle to New York for deportation and there released.

Memoranda pertaining to his case read as follows:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington.

1. Full name of person arrested: August Bostrom.
2. Number of case (Bureau of Immigration files): 54379/53.
3. Date of warrant of arrest: First warrant, January 19, 1918; second warrant, January 18, 1919.
4. Charge upon which arrest was made: 1. That he has been found advocating or teaching the unlawful destruction of property; and that he was a person likely to become a public charge at the time of his entry into the United States. 2. That he has been found a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally of the Government of the United States or of any other organized government, because of his or their official character, or that advocates or teaches the unlawful destruction of property.

5. Date and place of arrest: (1) January 19, 1918, Seattle, Wash.; (2) January 22, 1919, Seattle, Wash.

6. Disposition of case: 1. Offered release on own recognizance for one year pending observation, but refused to accept. Warrant of deportation to Sweden at Government expense issued February 4, 1919. Transferred to Ellis Island for deportation. Case reopened. Alien paroled on own recognizance.

7. Status of case at present: Pending.

FEBRUARY 4, 1919.

In re August Bostrom.

Memorandum for the Acting Secretary.

The essential points in the testimony elicited from this alien under previous warrant of arrest will be found briefly reviewed in bureau memorandum indicated at marker, to which your attention is invited. It will be remembered that the old warrant of arrest charged the alien with advocating or teaching the unlawful destruction of property. While the record showed that there was some evidence upon which to base this charge, the facts brought out did not appear to be sufficient to justify deportation on that ground. On the other hand, it was not considered advisable to cancel the warrant proceedings outright, but to release the man on probation for a period of one year on his promise to report to the commissioner of immigration at Seattle at regular intervals of three months as to his whereabouts and occupation. This he refused to do. The new immigration act of October 16, 1918, having come into effect it was then decided, in view of his refusal to comply with the department's terms, and the fact that he seemed to fall within its scope, to rearrest him under the new act on the following ground:

"That he has been found a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or that advocates or teaches the unlawful destruction of property."

This alien, at the new hearing, refused to answer the questions put to him by the examining officer as to his connection with the I. W. W. It should be noted, however, that at a previous hearing, which has been incorporated into and made a part of this record, he stated that he had been a member of the organization for about three months prior to his arrest. His membership book indicates that he joined on September 10, 1917. A prima facie case on this point has therefore been established by the alien's previous sworn testimony, reinforced by his membership book, and the burden is now on the alien to prove that he is not, if indeed he really so contends, a member of the organization. His declination to answer questions put to him at the last hearing appears to be a tacit admission that he is a member of the I. W. W. rather than any proof that he is not. That the I. W. W. is an organization teaching or advocating the unlawful destruction of property is well established by many excerpts and passages taken from the books and pamphlets of prominent I. W. W. and other radical writers, many of which are contained in the record. These publications are published, sold, or disseminated by the I. W. W. Publishing Co.

The bureau is convinced from the record that the alien is a member of or affiliated with an organization teaching or advocating the unlawful destruction of property and upon that ground has to recommend his deportation to Sweden at Government expense.

A. CAMINETTI,
Commissioner General.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary.*

MARCH 14, 1919.

In re August Bostrom.

Supplemental memorandum for the Acting Secretary.

This case in every material respect corresponds to that of James Lund (No. 54379/44) submitted simultaneously, and the bureau recommends that the alien be released on his own recognizance.

A. CAMINETTI,
Commissioner General.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary.*

CASE OF JALMER HOLM.

The case of Jalmer Holm, bureau file 54379/76, is also that of an active member of the I. W. W. organization brought from Seattle to New York for deportation and there released.

Memoranda pertaining to his case read as follows:

U. S. DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington.

1. Full name of person arrested: Jalmer Holm (or Holmes).
2. Number of case (Bureau of Immigration files): 54379/76.
3. Date of warrant of arrest: (First warrant) January 25, 1918; (Second warrant) December 16, 1918.
4. Charge upon which arrest was made: 1. That he has been found advocating or teaching the unlawful destruction of property; and that he was a person likely to become a public charge at the time of his entry into the United States. 2. That he has been found a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity, of propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or that advocates or teaches the unlawful destruction of property.
5. Date and place of arrest: 1. January 25, 1918, Seattle, Wash.; 2. December 22, 1918, Seattle, Wash.
6. Disposition of case: 1. Warrant of deportation to Sweden at Government expense issued. Alien refused parole under rule 17-A. 2. Warrant of deportation to Sweden at Government expense issued. Transferred to Ellis Island. Case reopened and alien paroled on own recognizance.
7. Status of case at present: Pending.

NOVEMBER 5, 1918.

In re Jalmer Holm, aged 25, native and subject of Sweden, entered, presumably, at New York, N. Y., in March, 1910.

Memorandum for the Acting Secretary:

The above-named alien was arrested at Bellingham, Wash., on the grounds that he has been found advocating or teaching the unlawful destruction of property, and that he was a person likely to become a public charge at the time of his entry in the United States. Section 19 of the immigration act provides that "any alien who at any time after entry shall be found advocating or teaching the unlawful destruction of property, * * * shall, upon a warrant of the Secretary of Labor, be taken into custody and deported."

This man states that he arrived in the United States in 1910 and has since then been wandering about the country working here and there for short periods as it suits his fancy. He has been a member of the I. W. W. since July, 1917. While he has not acted as an official organizer and delegate, he admits he has attempted to induce others to join the organization at every opportunity. At the hearing it was almost impossible to get this man to commit himself as to his beliefs in the tenets and principles of the I. W. W. Many of the paragraphs on the subject of sabotage were read to him from the official literature published by this organization, and in the majority of instances he refused to answer or attempted to evade the issue. He admits having been arrested on a number of previous occasions either for drunkenness or because of his activities in connection with the organization to which he belongs. He appears to be a man of average intelligence and undoubtedly is familiar with the methods and aims of the I. W. W. There is no question but that he has supported the organization to the best of his ability and has assisted in spreading the doctrine of sabotage as set forth in its official books and pamphlets. He has no money, no property, or home ties, and is a typical member of the migratory herd which constitutes the majority of the membership of this order.

It should be observed that, while (necessarily) repeated references are made to the I. W. W. and alien's membership therein, it is not alien's membership, but what he has done, as exemplified by the record as a whole, that is being considered as evidence against him.

The bureau recommends the alien's deportation to Sweden, at Government expense, when possible, on the ground that he has been found advocating or teaching the unlawful destruction of property. In the meantime he may be paroled upon his own recognizance under the terms of rule 17-A.

ALFRED HAMPTON,
Assistant Commissioner General.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary.*

FEBRUARY 4, 1919.

In re Jalmer Holm.

Memorandum for the Acting Secretary:

The essential points in the testimony elicited from this alien under previous warrant of arrest will be found reviewed in bureau memorandum indicated at marker, to which your attention is invited. It will be remembered that the old warrant of arrest charged the alien with advocating or teaching the unlawful destruction of property. The department found him guilty of this charge and directed his deportation to Sweden, but as sailings to that country could not be secured, then, he was offered a parole upon his own recognizance under the terms of rule 17-A. This parole he refused to accept. He also refused to make any attempt to secure employment, either directly or through the U. S. Employment Service. The new immigration act of October 16, 1918, having come into effect, it was then decided, in view of his refusal to comply with the department's terms, and the fact that he seemed to fall within its scope, to rearrest him under the new act on the following ground:

"That he has been found a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, or necessity or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized Government, because of his or their official character, or that advocates or teaches the unlawful destruction of property."

At the hearing under the new act, the alien refused to swear or to affirm to the truth of his statements. He also refused to concede that he was a member of the I. W. W. at the present time, merely stating in answer to a question on that point, "It's for you to find out." He finally did admit, however, that he had never taken any steps to renounce affiliation with the organization known as the Industrial Workers of the World. The fact that he admits receiving a certain sum of money every week from the I. W. W. organization during his confinement in jail and in the detention house is significant. A prima facie case on this point is established by the alien's sworn testimony in a previous hearing, which is incorporated into and made a part of this record, to the effect that he is a member of the I. W. W. This sworn statement is reinforced by an exhibit in the form of the alien's membership book, No. 347293, indicating that he joined the organization on July 5, 1917, and that his dues then were paid to April 1, 1918.

His attorney caused to be read into the record certain testimony offered by one T. F. G. Dougherty, in the case of Axel August Hendrickson, in an attempt to show that the I. W. W., as an organization, does not teach the unlawful destruction of property. He further caused to be inserted in the record certain excerpts from the works of well known I. W. W. or other radical authors in an endeavor to prove that the word "sabotage" does not mean the unlawful destruction of property.

In answer to the defense the bureau calls attention to the testimony of one James O'Brien, a member of and leader in the I. W. W., offered in the trial of the State of Washington v. Fred Lowery and Charlie Brown, which has been incorporated into and made a part of this record; also to numerous excerpts and passages obtained from the I. W. W. official literature and from other literature published, sold, or disseminated by the order in carrying on its propaganda.

In the opinion of the Bureau this evidence produced by the Government completely refutes and overcomes that offered in defense of the alien and shows beyond a doubt that the I. W. W. is an organization teaching and advocating the unlawful destruction of property.

Considering the record as a whole, the Bureau is convinced that this alien is a member of or affiliated with an organization teaching or advocating the unlawful destruction of property, and upon that ground has to recommend his deportation to Sweden at Government expense.

A. CAMINETTI, *Commissioner General.*

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary.*

MARCH 14, 1919.

In re Jalmer Holm.

Supplemental memorandum for the acting secretary:

This case in every material respect corresponds to that of James Lund (54379/44), submitted simultaneously; and the bureau recommends that the alien be released on his own recognizance.

A. CAMINETTI, *Commissioner General*.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary*.

CASE OF EDWIN FLOGAUS.

The case of Edwin Flogaus, bureau file 54379/23, is also that of an active member of the I. W. W. organization brought from Seattle to New York for deportation and there released.

Memoranda pertaining to his case read as follows:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington.

1. Full name of person arrested: Edwin Flogaus.
2. Number of case (Bureau of Immigration files): 54379/23.
3. Date of warrant of arrest: (First warrant), January 16, 1918; (second warrant), January 18, 1919.
4. Charge upon which arrest was made: 1. That he has been found advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law, or the assassination of public officials, and that he was a person likely to become a public charge at the time of his entry. 2. That he has been found a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that advocates the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or that advocates or teaches the unlawful destruction of property.
5. Date and place of arrest: March 1, 1918. Everett, Wash.
6. Disposition of case: 1. Alien refused parole on own recognizance for one year pending observation. 2. Warrant of deportation to Poland at Government expense issued February 4, 1919. Transferred to Ellis Island for deportation. Paroled on own recognizance.
7. Status of case at present: Pending.

FEBRUARY 4, 1919.

In re Edwin Flogaus.

Memorandum for the Acting Secretary:

The essential points in the testimony elicited from this alien under previous warrant of arrest will be found briefly reviewed in previous bureau memorandum indicated at marker, to which your attention is invited. It will be remembered that the old warrant of arrest charged the alien with advocating or teaching the unlawful destruction of property. While the record showed that there was some evidence upon which to base this charge, the facts brought out did not appear to be sufficient to justify deportation on that ground. On the other hand, it was not considered advisable to cancel the warrant proceedings outright but to release the man on probation for a period of one year on his promise to report to the commissioner of immigration at Seattle, at regular intervals of three months, as to his whereabouts and occupation. This he refused to do. The new immigration act of October 16, 1918, having come into effect it was then decided, in view of his refusal to comply with the department's terms, and the fact that he seemed to fall within its scope, to rearrest him under the new act on the following ground:

"That he has been found a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States

or of any other organized Government, because of his or their official character, or that advocates or teaches the unlawful destruction of property."

At the new hearing the alien admitted that he is a member of the I. W. W. His testimony in previous hearings which have been incorporated into and made a part of this record shows that he has been such since September 25, 1914. This statement is confirmed by his membership book.

His attorney has had read into the record the testimony of T. F. G. Dougherty, offered in the case of one Axel August Hendrickson, in the attempt to show that the I. W. W. organization does not teach or advocate the unlawful destruction of property; also excerpts from the works of certain well-known I. W. W. and other radical authors tending to show that the term "sabotage" does not mean unlawful destruction of property.

In answer to this defense the bureau calls attention to the testimony of one James O'Brien, a member of and leader in the I. W. W. offered in the trial of the State of Washington v. Fred Lowery and Charlie Brown, which has been incorporated into and made a part of this record; also to numerous excerpts and passages obtained from the I. W. W. official literature and from other literature published, sold, or disseminated by the order in carrying on its propaganda.

In the opinion of the bureau, this evidence produced by the Government completely refutes and overcomes that offered in defense of the alien and shows beyond a doubt that the I. W. W. is an organization teaching or advocating the unlawful destruction of property.

Considering the record as a whole, the bureau is convinced that this alien is a member of or affiliated with an organization teaching or advocating the unlawful destruction of property, and upon that ground has to recommend his deportation to Poland at Government expense.

A. CAMINETTI, *Commissioner General*.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary*.

MARCH 14, 1919.

In re Edwin Flogaus.

Supplemental memorandum for the acting secretary:

This case in every material respect corresponds to that of James Lund (No. 54379/44) submitted simultaneously; and the bureau recommends that the alien be released on his own recognizance.

A. CAMINETTI, *Commissioner General*.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary*.

DEPARTMENT OF JUSTICE, BUREAU OF INVESTIGATION,
Washington, July 30, 1919.

ANTHONY CAMINETTI, Esq.,

Commissioner General of Immigration, Department of Labor.

Attention Mr. McClelland.

DEAR SIR: I am inclosing herewith photostat copy of report by Agent M. Jo Davis, New York City, for June 17, 1919, In re E. W. Flogaus, released I. W. W. deportee.

You will note from the inclosure that Flogaus was brought to the port of New York from Seattle, Wash., for deportation to Poland, but due to the fact that it is impossible to make deportations to that country at the present time, he was released upon his own recognizance; further, as his address is given as 27 East Fourth Street, which is the I. W. W. headquarters in New York City, it is apparent that Flogaus, upon his release, returned to the company of his past associates.

It would be considered a great favor if you would inform me as to the past record of Flogaus, which, I understand, is filed in your office.

Very truly, yours,

FRANK BURKE,
Assistant Director and Chief.

M. J. Davis.

In re Edward W. Flogaus, released I. W. W., deportee; Neil Guiney, Portland, Oreg.; I. W. W. activities.

Under date of May 24, 1919, R. P. Bonham, inspector in charge, Department of Labor, Portland, Oreg., furnished this office with a copy of a letter signed Neil Guiney, now a prisoner in the Portland, Oreg., county jail, addressed to Ed. W. Flogaus, 27, East Fourth Street, New York:

FELLOW WORKER: Your very welcome letter to hand and must say I was very surprised to hear from you. I thought you must be in Europe by this time. I am glad that you and the others were all to beat the deportation stunt, as we need all the good class-conscious workers in this country that we can possibly get. There are enough of them in Europe now to handle things over there all right. I hope they will be able to spring us the same way although I am not building any plans on what I am going to do when I am released in this country again. It seems as if no one can tell merely by points of law or precedent just what the powers that be can or will do nowadays. They are apt to do almost any old thing under the sun. Well, I will tell the world that I am not losing any sleep over what is going to happen in my case. There are only four things that can happen any way—I will be deported or I will not, I will be either released or die in jail as nature was not kind enough to endow me with second sight. I am not going to make myself gray headed trying to presage future events. Let her buck.

Of course if I am deported I will be all right in Canada as the workers over there are getting into line in good shape and there will be plenty of room for me in their new O. B. U. The experience I have had here will no doubt be valuable to them as well.

I note what you say about finks in the organization and agree with your sentiment about them; in another way it makes me glad, because it adds another proof of our efficiency as a working class organization when the masters go as strong as that to try to stop us.

Drop me a line once in a while and remember me to all the New York bunch. Wishing you, etc., etc.

Yours, for the O. B. U.

NEIL GUINEY.

Inasmuch as Flogaus is now in this city, a letter was dispatched to the Assistant Commissioner of Immigration on June 5, asking for Flogaus past record. On June 9th Assistant Commissioner Uhl replied to this office stating that Flogaus was brought to the port of New York from Seattle, Wash., for deportation to Poland, but due to the fact that it is impossible to make deportations to that country at present he was released upon his own recognizance.

As evidenced by the address to which the letter quoted is sent, i. e., No. 27 East Fourth Street, which is the I. W. W. headquarters in New York City, it is apparent that Flogaus, upon his release, fell right back into his usual activities. Therefore, pursuant to the policy which it is the writer's belief the bureau is following in such cases, we shall endeavor to keep check upon this man's doings, reporting promptly to Washington. This of course refers to any of the subject's activities which will come to the Bureau's notice through voluntary sources, for it is difficult to follow the moves of such persons without paid informants.

Mr. Uhl, in his letter, stated that his office did not have the subject's past record, which, he advises, is filed with the Commissioner of Immigration at Washington, D. C.

DEPARTMENT OF JUSTICE,
Washington, D. C., August 15, 1919.

HON. A. CAMINETTI,
Commissioner General of Immigration,
Washington, D. C.

MY DEAR MR. CAMINETTI: I am returning to you herewith the record in the case of Edwin Flogaus, which you were kind enough to forward to this office in order that the examination in the case of the State of Washington v. Fred Lowery and Charlie Brown might be examined in this office.

I note from the files of the Bureau of Investigation that Flogaus has been in communication with some of his former associates and has apparently given expression to some radical ideas to which he adhered before the institution of deportation proceedings. I note that a copy of the report of Special Agent Davis for June 17, 1919, is a part of the record in the case and is attached to the letter addressed by Mr. Burke to you under date of July 30, 1919.

I am calling this to your attention in order that you may, if you deem it advisable, consider the advisability of increasing Flogaus's bond at the present time in order that his activities among his radical associates may be somewhat curtailed.

Respectfully,

JOHN CREIGHTON,
Special Assistant to the Attorney General.

AUGUST 21, 1919.

Talked with Mr. Hoover on phone. Department of Justice will endeavor to locate alien and keep under surveillance. He is out on own recognizance.

H. Mo.

LAW SECTION, August 8, 1919 C.

Paroled pending deportation to Poland, under surveillance by Department of Justice.

CASE OF JOE MARTIN.

The case of Joe Martin, bureau file 54379/5, is the same as the last few mentioned. Martin was a particularly bitter radical and gave considerable trouble while held at the detention station at Seattle.

Memoranda pertaining to his case read as follows:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington.

1. Full name of person arrested: Joe Martin.
2. Number of case (Bureau of Immigration files): 54379/5.
3. Date of warrant of arrest: First warrant, January 14, 1918; second warrant, January 17, 1919.
4. Charge upon which arrest was made: (1) That he has been found advocating or teaching the unlawful destruction of property; and that he was a person likely to become a public charge at the time of his entry into the United States. (2) That he has been found a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or that advocates or teaches the unlawful destruction of property.
5. Date and place of arrest: (1) January 14, 1918, Seattle, Wash.; (2) January 24, 1918, Seattle, Wash.
6. Disposition of case: (1) Alien refused parole on own recognizance for one year pending observation. (2) Warrant of deportation to Russia at Government expense issued February 4, 1919. Transferred to Ellis Island pending deportation. Paroled on own recognizance.
17. Status of case at present: Pending.

54379/5

In re Joe Martin.

Memorandum for the Acting Secretary.

FEBRUARY 4, 1919.

The essential points in the testimony elicited from this alien under previous warrant of arrest will be found briefly reviewed in bureau memorandum indicated at marker, to which your attention is invited. It will be remembered that the old warrant of arrest charged the alien with advocating or teaching the unlawful destruction of property. While the record showed that there was some evidence upon which to base this charge, the facts brought out did not appear to be sufficient to justify deportation on that ground. On the other hand, it was not considered advisable to cancel the warrant proceedings outright but to release the man on probation for a period of one year on his promise to report to the Commissioner of Immigration at Seattle, at regular intervals of three months, as to his whereabouts and occupation. This he refused to do. The new immigration act of October 16, 1918, having come into effect, it was then decided, in view of his refusal to comply with the department's terms, and the fact that he seemed to fall within its scope, to rearrest him under the new act on the following ground:

"That he has been found a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity,

or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or that advocates or teaches the unlawful destruction of property."

This alien was most defiant and unruly at the hearing under the new warrant, refusing to answer all questions and finally running out of the room in which the hearing was conducted. He stated that he did not desire the services of Mr. Ralph S. Pierce, who has been appearing for other I. W. W.'s and would proceed with his own case. In this connection, he also made the following statement: "Go ahead and do what you want to and deport me and 'damn * * *'."

A prima facie case as to the alien's membership in the I. W. W. has been established by his sworn statement at a previous hearing, which hearing has been incorporated into and made a part of this record, to the effect that he joined the I. W. W. about four years ago, is still a member, believes in its principles and teachings, has contributed money to defense funds solicited by it, and, in short, has done all he could to advance its interests. The burden of proof is now upon the alien to refute the charge that he is a member of the I. W. W., an organization teaching and advocating the unlawful destruction of property. The bureau has also introduced into the record ample evidence showing that the I. W. W. is an organization which teaches or advocates the unlawful destruction of property.

The bureau recommends the alien's deportation to Russia at Government expense upon the ground that he is a member of or affiliated with an organization teaching or advocating the unlawful destruction of property.

A. CAMINETTI, *Commissioner General*.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary*.

No. 54379/5.

MARCH 14, 1919.

In re Joe Martin.

Supplemental memorandum for the Acting Secretary.

This case was first presented to the department in memorandum of November 23, recommending that decision be held in abeyance for a year and the alien released upon his own recognizance. The alien refused to accept parole, and a warrant was then issued under the new law charging him with membership in an organization that advocates and teaches the unlawful destruction of property. While the alien's attitude has been defiant, there is really little in the record showing that he has personally, either as an incident to his membership in the I. W. W. or independently thereof, advocated or taught the unlawful destruction of property.

Attorneys Lowe and Recht have made a very strong plea in the alien's behalf and have directed attention to several points favorable to him which had been overlooked when the record was previously considered on two occasions. The man's defiant attitude made a very bad impression upon all those with whom he has come in contact, and even the cold typewritten record does not make a good impression. Nevertheless, following the line which the bureau and department have been attempting to draw in all these cases between the technical or literal and the substantial, and taking into consideration the points to which the attorneys have now directed attention, the bureau recommends that the petition for reopening be granted and the alien released on his own recognizance.

A. CAMINETTI, *Commissioner General*.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary*.

CASE OF JOHN BERG.

The case of John Berg, bureau file 54379/185, is the same as the last few cases mentioned. Memoranda pertaining to his case read as follows:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington.

1. Full name of person arrested: Jens Bjerregaard Peterson, alias John Berg.
2. Number of case (Bureau of Immigration files): 54379/185.
3. Date of warrant of arrest: First warrant, March 19, 1918; second warrant, December 16, 1918.
4. Charge upon which arrest was made: First warrant: That he has been found advocating or teaching the unlawful destruction of property. Second warrant:

That he has been found a member of or affiliated with an organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity, or propriety, of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or that advocates or teaches the unlawful destruction of property.

5. Date and place of arrest: March 19, 1918. Seattle, Wash.

6. Disposition of case: Warrant of deportation to Denmark at Government expense on charge "That he has been found advocating or teaching the unlawful destruction of property" issued November 22, 1918. Transferred to Ellis Island for deportation. Case reconsidered and alien released on own recognizance.

7. Status of case at present: Pending.

NOVEMBER 20, 1918.

54379/185.

In re John Berg, aged 58, native and subject of Denmark, entered without inspection, presumably at San Francisco, in May, 1901.

Memorandum for the Acting Secretary.

The above alien was arrested at Seattle, Wash., on the ground that he has been found advocating or teaching the unlawful destruction of property.

This man states that he arrived at San Francisco in May, 1901, as a seaman, and deserted from his vessel there, entering the country without inspection. He was previously resident here for a number of years. He has been a member of the I. W. W. since August, 1916, and holds the position of organizer and delegate for that organization, and admits that, in the performance of his duties as such, he has solicited new members, received money, and distributed the official literature of the organization. He testified at the hearing of March 16 that he believed in the teachings of the I. W. W. or otherwise he would not have become a member. Nevertheless, he asserted that he had not read most of the books which contain the articles used as a basis of examination in these cases in giving the principles for which the organization stands. Among other things he asserted he did not believe in the use of force or violence or the destruction of property in accomplishing the purposes of the order. He has made no effort to become a citizen. He has no money, property, or dependents, and appears to be typical of his kind, roaming from place to place as his fancy dictates.

Permission was granted on September 13, for the alien to reship foreign, the warrant to be canceled upon verification of the departure. Apparently the man has not taken advantage of this privilege which was accorded at his own request.

The bureau is satisfied that on the showing to the effect the alien has been active distributing literature of the I. W. W. which teaches the unlawful destruction of property, the charge in the warrant has been sustained. It accordingly recommends that warrant of deportation be issued, the man to be returned to Denmark at Government expense when that becomes possible.

A. CAMINETTI, *Commissioner General*.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary*.

MARCH 14, 1919.

54379/185.

In re John Berg.

Supplemental memorandum for the Acting Secretary.

Attention is directed to memorandum of November 20, 1918. The bureau believes that the conclusion then reached was justified by the record as it then stood. While Berg denies ever having been active in distributing sabotage literature and thereby teaching the unlawful destruction of property, there is much circumstantial and inferential evidence to the contrary, and the department is not tied down to the use of direct and first-hand evidence in these deportation cases.

Berg has not been regarded on the evidence in hand as nearly so dangerous a character as some of the aliens arrested about the same time as he, and the argument recently made by Attorneys Lowe and Recht has convinced the bureau, taking into consideration at the same time evidence given by Miss Lowe (who happens to be personally acquainted with Berg), that it can properly now recommend that the alien be released on his own recognizance. Miss Lowe has testified very favorably to Berg's general character. He has lived in the United States for a long time, and is getting to be an

old man. He is a sailor by calling, and he was thought well enough of on the previous record to consent to his shipping out as a sailor, but it proved impracticable to get a berth for him on a ship sailing out of Seattle.

The Ellis Island office should be advised that if the alien now desires to ship as a seaman they should assist him as far as possible to secure a berth as a sailor; but that if his shipping out is not possible he should be released on his own recognizance.

A. CAMINETTI, *Commissioner General*.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary*.

CASE OF CHARLES JACKSON.

The case of Charles Jackson, bureau file 54379/86, is also that of an active member of the I. W. W. organization arrested at Seattle and removed from there to New York for deportation. Jackson, however, was ordered deported on the ground that he was a person likely to become a public charge at the time he entered the United States. He applied for a writ of habeas corpus at Seattle, which was denied by Judge Neterer who handed down a written opinion. He applied again for a writ at New York, and the department canceled the warrant and released him.

Documents pertaining to his case read as follows:

UNITED STATES DEPARTMENT OF LABOR, BUREAU OF IMMIGRATION, Washington.

1. Full name of person arrested: Charles Jackson, alias Charles Peterson.
2. Number of case (Bureau of Immigration files): 54379/86.
3. Date of warrant of arrest: January 26, 1918.
4. Charge upon which arrest was made: That he has been found advocating or teaching the unlawful destruction of property; and that he was a person likely to become a public charge at the time of his entry into the United States.
5. Date and place of arrest: January 26, 1918. Chicago, Ill.
6. Disposition of case: Warrant of deportation to Denmark at Government expense issued October 2, 1918, on the ground "That he was a person likely to become a public charge at the time of his entry into the United States." Transferred to Ellis Island for deportation. Warrants of arrest and deportation canceled in anticipation of adverse decision in habeas corpus proceedings.
7. Status of case at present: Closed.

SEPTEMBER 20, 1918.

In re Charles Jackson, alias Peterson, aged 38, single, native and subject of Denmark, entered without inspection from Canada, presumably at Seattle, per S. S. *Henry Villard*, on or about March 1, 1918.

Memorandum for the Acting Secretary:

The above-named alien was arrested at Mount Vernon, Wash., on the grounds that he has been found advocating or teaching the unlawful destruction of property; and that he was a person likely to become a public charge at the time of his entry into the United States.

The evidence shows that this man was excluded at Mount Vernon, Wash., after a hearing by a board of special inquiry on June 14, 1918, on the grounds that he was suffering from a loathsome contagious disease; that he was a person likely to become a public charge; and that he was then affiliated with an organization which advocated or taught the unlawful destruction of property. The evidence shows that he has been a member of the I. W. W. since July, last year, and has contributed to the various defense funds. He says that he is entirely through with the I. W. W. organization, and evidently believes that it is the cause of much of his present trouble. He denied his belief in sabotage and in the principles and ideas set forth in the various official books of the organization. The alien resided in Canada for several years, but made no effort to become a citizen there. The record shows that he was a member of this organization at the time of his entry into the country.

As he was afflicted with gonorrhoea at the time of entry, was without funds and a floating laborer, the bureau recommends that warrant issue directing his deportation

to Denmark at Government expense, when possible, on the ground that he was a person likely to become a public charge at the time of his entry into the United States; until his removal from the country can be accomplished, he may be paroled under the terms of rule 17-A.

A. CAMINETTI,
Commissioner General.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary.*

UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON, NORTHERN DIVISION.

In the matter of the application of Charles Jackson for writ of habeas corpus, No. 4356, December —, 1918.

Robert C. Saunders, United States district attorney; Ben L. Moore, assistant United States district attorney; H. D. Folsom, jr., special attorney for Department of Justice, for Government.

George F. Vanderveer, Ralph D. Pierce, for petitioner.

NETERER, *District Judge.*

The petitioner, a subject of Denmark, surreptitiously entered the United States in June, 1917, a sailor from the barge *Henry Villard*. He was arrested in January, 1918, on a warrant of the Secretary of Labor charging "that he has been found advocating or teaching the unlawful destruction of property and that he was a person likely to become a public charge at the time of his entry in the United States." He was granted a hearing in January, and a further hearing in June following. In September Commissioner Caminetti, in a memorandum decision, stated:

"The evidence shows that this man was excluded at Mount Vernon, after a hearing by a board of special inquiry on June 15, 1918, on the ground that he was suffering from a loathsome contagious disease; that he was a person likely to become a public charge; and that he was then affiliated with an organization which advocated or taught the unlawful destruction of property. The evidence shows that he has been a member of the I. W. W. since July last year and has contributed to the various defense funds. He says that he is through with the I. W. W. organization, and evidently believes that it is the cause of much of his present troubles. He denied his belief in sabotage and in the principles and ideas set forth in the various official books of the organization. The alien resided in Canada for several years, but made no effort to become a citizen there. The record shows that he was a member of this organization at the time of his entry into the country."

"As he was afflicted with gonorrhea at the time of entry, and without funds and a floating laborer, the bureau recommends that warrant issue directing his deportation to Denmark at Government expense, when possible, on the ground that he was a person likely to become a public charge at the time of his entry into the United States. * * *

This memorandum decision was approved by the Acting Secretary of Labor. On October 2, a warrant of deportation was issued, stating that the petitioner was found in the United States in violation of the immigration act of February 5, 1917—"that he was a person likely to become a public charge at the time of his entry into the United States."

The petitioner claims that he is unlawfully restrained; that there is no evidence to support the order of deportation; that he has been denied a fair hearing; and that the order is void. In his testimony he states that he came to this country for the purpose of being treated for venereal disease. At the time of the examination seven months after his entry, he said: "I am not diseased now; I am supposed to be cured now." He also stated that he, at the time of the hearing, had \$100 in the Puget Sound Hotel. He had a book on the Bank of Montreal, Vancouver branch, showing a balance September 15, 1917, of \$265. He says that he changed his name from Jackson to Peterson for the purpose of securing a job in the mines.

There is no evidence in the record as to what, if any, money the petitioner had at the time of his entry into the United States. In his petition, sworn to on the 14th day of November, 1918, he states under oath, in support of a request that an order be entered directing the Commissioner of Labor to present with his return the original testimony taken at the petitioner's hearing upon which the deportations order is predicated: "That he is unable, by reason of his poverty, to pay for the preparation of such a copy." The testimony was very short. In his examination in June, the petitioner stated:

"Q. Now you say you left the boat here for treatment?—A. Yes.

"Q. What was the nature of your troubles, what was wrong with you?—A. I had a venereal disease.

"Q. What did you have, syphilis?—A. No. Gonorrhea.

"Q. You have a card here from the doctor where he was charging you \$10 a treatment.—A. No; that was for the whole time. I paid \$10 when I started and I didn't pay any more until I was finished.

"Q. How long have you had that gonorrhea?—A. For some time; besides that, I had some medicine with me when I went there but it didn't do me any good.

"Q. You had that gonorrhea then for months before that?—A. Yes.

"Q. Did you have it up in British Columbia?—A. I got it up there.

"Q. You got it up there?—A. Yes.

"Q. You contracted it in British Columbia? When you landed there the last time, you really landed for the purpose of treatment?—A. Yes."

The petitioner also had in his possession extracts from literature published by Industrial Workers of the World: "The I. W. W.—Its History, Structure and Methods," by Vincent St. John; "The New Unionism," by Andre Tridon; "Sabotage," by Emile Pouget; "Sabotage, Its History, Philosophy and Function," by Walker C. Smith; I. W. W. songs "To Fan the Flames of Discontent," Joe Hill; Memorial Edition, "Should I Ever Be a Soldier," "Christians at War," "Casey Jones—The Union Scab," "Workers of the World, Awaken," "The Internationale," by Eugene Pottier; and a number of other publications and extracts.

The issue presented before the court is whether the petitioner was accorded a fair trial. The authority of the immigration officers and the jurisdiction of the courts are powers conferred by Congress. This court in *Ex Parte Moola Singh*, 207 Fed. 780, at 782 said:

"The authority of the immigration officers and the jurisdiction of the courts depend upon power conferred by Congress. It is a matter of legislation. No discretion is vested in the courts. Congress has the right to legislate upon the subject, prescribe rules, fix limits, confer authority where it deems wise in legislating upon the subject at hand. The supreme authority is conferred upon the immigration officers. The jurisdiction of the courts is limited to ascertaining whether petitions were denied a hearing."

The contention of the petitioner what the court may review the evidence to determine whether the conclusion of the commissioner is justified citing *Gegiow v. Uhl*, 239 United States, page 3, is not sustained. The Supreme Court in this case held that the decision of the immigration officers under section 25 of the immigration act is conclusive of questions of fact.

The ground for deportation, given in the order, is very comprehensive. There are several angles from which the contention that he is likely to become a public charge can be approached. The inspectors had the petitioner before them, heard his testimony with relation to his affliction at the time of his entry, as well as his relations to the acts denounced by section 19 of the act of February 5, 1917 (U. S. Comp. Stat. 4289-4-JJ) Judge La Combe in *United States ex rel Buccino, et al. v. Williams*, Commissioner, 190 Fed. 897, said—

"Ever since the decision of the Supreme Court in *Nishimura Ekin v. United States*, 142 United States 651 (12 Sup. Ct. 336, 35 L. ed. 1146), it has, so far as I know, been held in this circuit that if the board of inspectors had the alien before them so that they might themselves inspect and examine him, there was sufficient before them to warrant his exclusion on the ground that he was liable to become a public charge, if, in their discretion, they reached such a conclusion. Nothing which has been presented in this argument persuades me to reverse this holding."

This is quoted not for the purpose of indorsing it, but to show the length the courts have gone on such an issue. The court can not, in view of the testimony in the record, say that the petitioner was not accorded a fair hearing. The writ is denied.

207 Fed., 789; 175 Fed., 274; 191 Fed., 970; 187 Fed., 471; 225 Fed., 90; 195 Fed., 705; 184 Fed., 566; 202 Fed., 66.

NETERER, Judge.

MARCH 14, 1919.

In re Charles Jackson.

Supplemental memorandum for the Acting Secretary:

This alien was ordered deported in a warrant dated October 2, 1918, based upon a memorandum dated October 20, the ground for deportation being that he was a person likely to become a public charge at the time of his entry to the United States. Alien's attorney sued out a writ of habeas corpus in the western district of Washington, but the judge, after reviewing the record at great length, dismissed the writ, sustaining

the department's finding. Without going into the details of the record it is only necessary to point to the decision of the court to show that the case has been properly handled. The attorneys have not submitted anything new, and it is apparent from the extract from their brief attached immediately hereunder that nothing new can be presented.

It is recommended that the petition for reopening be denied.

A. CAMINETTI,
Commissioner General.

APRIL 18, 1919.

In re Charles Jackson.

Supplemental memorandum for the Acting Secretary:

See previous memoranda at markers. Mr. Parker reports that this case was very hotly contested before Judge Hand; but that the judge finally announced he was ready to rule with the Government on every point of law and fact argued before him; that he did not consider that if there was any evidence whatever before the Secretary to support his holding the court had any right to interfere, and a fortiori is this true in a L. P. C. case.

After so holding, however, the judge said to Mr. Parker that he had gone over the entire record and really thought there was little in it, now that the man is cured of the disease he had at the time of entry, to justify more than technically the holding of the department. Thereupon Mr. Parker assured the judge we had no intention of being technical or of doing the least injustice to anyone, and as an evidence of that assertion he would agree to bring the case before the commissioner general and Acting Secretary once more if the court would put it over for two weeks.

It is therefore recommended that the previous decision be reversed and the warrant be canceled.

A. CAMINETTI,
Commissioner General.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary.*

CASE OF EPHIM KERTZ.

The case of Ephim Kertz, bureau file 54235/102, is that of an alien, who at the time of his arrest at Seattle, was the secretary and active head of the Union of Russian Workers in that section of the country. He was removed from Seattle to New York for deportation and there released. He returned to Seattle and immediately resumed his connections with the same organization, also joining the I. W. W. organization. He was arrested recently by local authorities and a new warrant on a deportation proceeding obtained, a hearing given, and the case is now awaiting decision in the department.

Documents pertaining to this case read as follows:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington.

1. Full name of person arrested: Ephim Kertz or Kerts Ephim alias Ephim Listkoff.
2. Number of case (Bureau of Immigration files): 54235/102.
3. Date of warrant of arrest: November 28, 1917.
4. Charge upon which arrest was made: That he has been found advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States, or of all forms of law, or the assassination of public officials; and that he was a person likely to become a public charge at the time of his entry.
5. Date and place of arrest: December 13, 1917, Seattle, Wash.
6. Disposition of case: Warrant of deportation to Russia at Government expense issued December 20, 1918. Transferred to Ellis Island. Case reviewed and alien released on own recognizance.
7. Status of case at present: Pending.

NOVEMBER 18, 1918.

In re Ephim Listkoff alias Ephim Kertz; aged 33; native and citizen of Russia; who claims entry at New York in October, 1908, ex S. S. *Barbarossa*.
Memorandum for the Acting Secretary.

This alien was taken into custody under warrant charging that he has been found advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law, or the assassination of public officials; and that he was a person likely to become a public charge at the time of his entry into the United States. Record of hearing is forwarded by the commissioner at Seattle with recommendation that deportation be ordered. Alien is being detained in jail, there being no room for him in the detention shed and he having failed to furnish bond. Complaint has been made by counsel of the long delay in closing this case.

This man and four others were taken into custody while attending what was advertised as a meeting of the Russian Workers' Union in Seattle, on November 28, 1917. He admits that he is a member of the union and is at present secretary, treasurer, and acting president. He was formerly a member of the I. W. W., this being when he was employed in the lumber industry, but he does not believe in all of the views expressed in the literature gotten out by that organization, and he contributed through the Russian Workers' Union to the fund which was raised by the I. W. W. for the defense of members who had been arrested.

Alien has denied that he is an anarchist, or believes in anarchy, or the overthrow by force or violence of the Government of the United States or all forms of law, or the assassination of public officials, or the destruction of property. He stated he believed in the Constitution of the United States and in the representative form of government. His attention was called to certain statements made in the constitution of the Russian Workers' Union and the character of the literature found in the reading room conducted by said union, and he insisted that people did not have to agree to all parts of the constitution in order to become members of the union and he had not done so when he joined, and the literature found in the rooms of the union was put there for educational purposes. Alien stated further that there are about 20 members of the union; there were 60 or 70 before the Russian revolution, and many of the members have gone to Russia. He admitted his active participation in the affairs of the Russian Workers' Union.

Alien claims he was a refugee when he entered this country, having been compelled to flee from Russia under an assumed name because he had been engaged in distributing revolutionary literature. He insisted, however, that there was nothing in the documents which referred to the overthrow of the Russian Government by force or violence, and it was intended by the propaganda to secure redress of believed wrongs by peaceful means. He has acknowledged that it had been one of the purposes of the Russian Workers' Union, which was originally an organization with branches of the society in many cities, to carry on a propaganda in this country to bring about a revolution in Russia; but, since the change in Russia occurred, most of the branches have been closed, and the Seattle branch had been kept in operation for educational purposes. The fact that the alien might have left Russia originally as a political refugee does not have any material bearing on the decision which should be reached in this case because of the changes which have occurred in that country.

Reference is made to the case of Kasimir Maskilunas, alias Kaziz Maskilunas (file 54379/101) for a statement of the fundamental principles of the Russian Workers' Union as appears in its constitution. A translation of the constitution, a list of the publications found in the library, and the translations of some of the articles appearing in certain of these publications are made a part of the record in this case.

The allegation that alien was a person likely to become a public charge at the time of entry should be dropped, as there is no evidence directly supporting same and entry occurred more than five years prior to date of arrest.

Brief of counsel forms pages 81-89 of the record.

The bureau is satisfied from the statements of the alien, the purposes of the Russian Workers' Union as the same appear in the constitution thereof, and the character of the publications found in the reading room of said union that alien has been taking an active part in this organization and has been advocating or teaching anarchy in the United States. It is therefore recommended that he be deported to Russia on that ground, at Government expense, when that becomes possible and in the meantime that he may be released upon a bond in the sum of \$1,000 in the usual form. This will keep his whereabouts and occupation to the commissioner at Seattle. It is intended that the department will decide when deportation shall occur and instructions will be issued to have a report submitted when sailings to Russia are resumed.

A. CAMINETTI,
Commissioner General

Approved:
JOHN W. ABERCROMBIE, *Acting Secretary*.

MARCH 20, 1919.

In re Ephim Listkoff, alias Kertz.

Supplemental memorandum for the Acting Secretary:

This case was presented to the department in memorandum of November 18, 1918. The alien is now at Ellis Island and Attorneys Lowe and Recht have made an argument in his behalf and also submitted a brief. On the basis of their representations the record has again been carefully reviewed.

This man is a member of the Russian Workers' Union. He has been an officer of the local union in Seattle and evidently has been something of a leader. He was arrested under the act of 1917, however, charged with advocating or teaching anarchy; no action has ever been taken against him under the act of October 16, 1918. As the constitution of the Russian Workers' Union shows it to be an anarchistic organization, this alien under the act of October 16; indeed, a pretty fair case is made out against him under the previous law. But on reviewing his testimony in detail the bureau is considerably impressed with his claim that, while he is quite radical in his views with respect to the rights of laboring men as compared with those of capitalists, he is not an anarchist himself and has not been, directly at least, spreading any anarchistic propaganda.

The bureau now recommends that the alien be paroled upon his own recognizance.

ALFRED HAMPTON,
Acting Commissioner General.

Approved.

JOHN W. ABERCROMBIE, *Acting Secretary.*

(Advise the attorneys, 110 West Fortieth Street.)

CASE OF MIKE ELICK.

The case of Mike Elick, bureau file 54235/160, is that of another alien released at New York after having been ordered deported. Memoranda pertaining to this case read as follows:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington.

1. Full name of person arrested: Mike Elick or Make Elack (or Sachary Czykata).
2. Number of case (Bureau of Immigration files): 54235/160.
3. Date of warrant of arrest: December 10, 1917.
4. Charge upon which arrest was made: That he has been found advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law, or the assassination of public officials; and that he has been found advocating or teaching, subsequent to his entry, the unlawful destruction of property; and that he was a person likely to become a public charge at the time of his entry.
5. Date and place of arrest: December 12, 1917, Akron, Ohio.
6. Disposition of case: Released on \$2,000 bond. Warrant of deportation to Russia at Government expense issued November 23, 1918. Transferred to Ellis Island. Paroled on own recognizance pending final action.
7. Status of case at present: Pending.

JULY 29, 1918.

In re—

Pawel Krachie, alias Pawel Kreczin, who claims entry at Philadelphia in 1912.
John Tarasyk, alias Iwan Tarasjik, who entered at New York on April 3, 1913, ex steamship *Russia*, Russian Line (verified).

Naum (or Nahum) Stepanuk, who claims entry in December, 1909, at New York (not certified).

Mike Elick, alias Sachary Czykata, who claims entry at Baltimore, in April, 1910 (not verified).

Daniel Kuts (or Kuc), who entered at Baltimore on February 28, 1913, ex steamship *Main*, of the German Line (verified).

Leo Haskewich, alias Leontihaskewicz, who entered at Philadelphia April 17, 1913 ex steamship *Graf Waldersee*, German line (verified).

Memorandum for the Acting Secretary:

These six aliens, all subjects of Russia, were arrested by agents of the Department of Justice in Akron, Ohio, at a meeting of the Russian Workers' Union. It appears that officers went to this meeting in view of reports to the effect that it was intended to

devise means of bringing about a strike of the Russian workers employed in various plants in the city. All of them have acknowledged that they are members of the union, and Stepanuk, that he is at present the secretary. Each has denied that he is an anarchist, or is opposed to organized government, or has advocated anarchy or the destruction of property or the assassination of public officials, as charged in the warrant, which also contain the allegation of L. P. C. at time of entry.

The constitution of the Russian Workers' Union contains the statements, among the "basic principles" of the order, that—

"Modern society is divided into two opposite classes. On the one hand are the disinherited workers and peasants (farmers), who, by their labor, created the entire wealth of the world; on the other hand, the rich, who have taken possession of all this wealth.

"The class of the disinherited rose repeatedly in revolt against the parasitic rich and against their handmaiden and protector—the State—for the purpose of fully emancipating themselves from the yoke of capital and authority. * * *

"The struggle between these classes continues up to now and will only terminate when the toiling masses organized as a class will understand their true interests and will, by means of a forcible social revolution, take possession of the entire wealth of the world.

"Having accomplished such an upheaval and having destroyed at the same time all the institutions of the State and authority, the class of the disinherited will have to proclaim a society of free producers. * * *

"In furtherance of our aim we place in the forefront, the necessity to create a wide revolutionary class organization of the toilers."

And among the aims of this federation is mentioned "support of revolutionary manifestations of the American workers."

Literature of anarchistic and socialistic character was found in the possession of each of the aliens. Some of them had hand bills which were calling upon the workers to organize and defeat the draft. One of them had a letter which contained the advice (not addressed personally to him) that members of the union should claim they are "politicals," and, owing to their revolutionary activity, found it impossible to return to Russia under the former Government.

Aliens were each asked whether he believed in the tenets of the organization, and all of them made rather evasive replies, trying to make it appear that they accept only parts of the constitution. No two of them have expressed the same views as to the purposes of the organization, but all have agreed that the federation of the several unions of Russian workers no longer exists because the leaders returned to Russia and that the education of Russians was one of the objects. None of the aliens has made any effort to become a citizen of the United States, and each of them apparently expected to return to Russia when the revolution to which they looked forward developed, and have been unable to do so for one reason or another.

The only evidence, in addition to matter of membership in the Russian Workers' Union which supports any of the warrant charges, is the admission by some of the aliens that they have passed out literature or hand bills which have reference to the subject of anarchy.

The inspector in charge at Cleveland believes that the aliens agreed during the period of their detention prior to the time that he took custody of them under department warrant regarding the character of evidence that they would give, and that, in any event, the circumstances connected with the case are such that the evidence in the records relating to each of them should be regarded as equally applying to all of them.

Brief of counsel appears in file 54235/156. The aliens are at large under bonds.

The allegations that aliens were persons likely to become a public charge at the time of entry is not reasonably established, and in any event would have to be dropped with respect to three of them whose entry is not shown to have occurred within five years.

These six subjects of Russia, clearly by their acts in subscribing to the principles and aiding by paying dues and otherwise furthering the spread of a radical anarchistic organization such as the Russian Union Workers are guilty of advocating and teaching anarchy and the unlawful destruction of property in the United States, and the bureau recommends their deportation to Russia on those grounds at Government expense, when possible, and meantime that they be released on the bonds already furnished. Instructions will be issued that the department will decide when deportation shall occur after sailings to Russia are resumed.

Approved.

_____,
Commissioner General.

_____,
Acting Secretary.

MARCH 21, 1919.

In re Mike Elick.

Supplemental memorandum for the Acting Secretary.

This case was presented to the department along with five others in memorandum of July 29 last. Recently Messrs. Isaac Shore and Albert A. Wray, attorneys, of New York City, have presented a brief and made an oral argument in behalf of Elick and the four companions that were taken with him to New York, with the purpose of holding them until deportation should be possible.

The sixth member of the party, Kutz, was left at large on parole in Akron, Ohio, where he had been rendering assistance to the special agent of the Department of Justice. His case is not involved in the present matter.

Additional evidence bearing upon the supposed activities of this man in the spreading of anarchistic propaganda is now on the way from Akron, and the other four cases will be taken up as soon as that evidence can be considered. But there is in this case a recommendation by the inspector in charge of the Ohio district, dated March 10, that the alien be released on a bond and allowed to return to Akron, where he has a wife and child. See letter at marker.

The bureau has again reviewed the record concerning this man. There are some parts of his testimony which make a very good impression. He is a member of the Russian Workers' Union and of course his deportation could be justified as a legal proposition simply upon that ground, as the constitution of that organization shows it to be anarchistic, but under all of the circumstances the bureau feels that it would be proper at this time to give the alien the benefit of such doubt as exists regarding his being an anarchist himself or having engaged actively in anarchistic propaganda in this country. It is accordingly recommended that he be paroled on his own recognizance, and that Attorney Wray be telegraphed to that effect and at the same time advised that the remaining cases are under consideration and will be acted upon within a few days.

A. CAMINETTI,
Acting Commissioner General.

Approved.

JOHN W. ABERCROMBIE, *Acting Secretary.*

CASE OF ANDREW CIOFALO.

The case of Andrew Ciofalo, bureau file 54379/400, is similar to that of the one just mentioned. Memoranda pertaining to this case read as follows:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington.

1. Full name of person arrested: Andrew Ciofalo or A. Ciofalo or Andrea Ciofalo.
2. Number of case (Bureau of Immigration Files): 54379/400.
3. Date of warrant of arrest: First warrant, May 11, 1918; second warrant, March 31, 1919.
4. Charge upon which arrest was made: (1) That he has been found advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States, or of all forms of law, or the assassination of public officials; that he has been found advocating or teaching the unlawful destruction of property; and that he was an anarchist or person who at the time of his entry believed in or advocated the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieved in or was opposed to organized government, or who advocated the assassination of public officials. (2) That he has been found advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States, or of all forms of law, or the assassination of public officials; that he is an alien anarchist; that he disbelieves in all organized government; and that he is an opponent of all organized government.
5. Date and place of arrest: (1) Alien not found. (2) April 14, 1919. New York, N. Y.
6. Disposition of case: (1) Warrant of arrest canceled; alien not found. (2) Warrant of deportation to Italy at Government expense issued June 3, 1919; paroled to custody of his attorney, Harry Weinberger.
7. Status of case at present: Pending. Alien has disappeared.

MAY 26, 1919.

In re Andrea Ciafalo, male, aged 33; native and subject of Italy; entered the United States in October or November, 1903.
Memorandum for the Acting Secretary.

A warrant issued for the arrest of this alien on May 11, 1918, on the basis of information furnished by the Department of Justice, he being one of a large number of Italians, alleged to be anarchists, whom the investigations of that department had indicated were more or less actively connected with the anarchistic paper *Cronaca Sovversiva*, published in Lynn, Mass., by Luigi Galleani, who was arrested some time ago and whose case is now pending in the district court at Boston under a writ of habeas corpus. In October, 1918, the warrant was returned unserved, because the officials at Ellis Island had been unable to locate the alien. On March 28, 1919, the acting commissioner at Ellis Island applied for a warrant for the arrest of Ciafalo, submitting with his application a report made by Inspector William Feder, showing that the alien had been arrested by New York City police. A warrant issued on March 31, 1919, charging that "he has been found advocating or teaching anarchy or the overthrow by force or violence of the Government of the United States or of all forms of law, or the assassination of public officials; that he is an alien anarchist; that he disbelieves in all organized government, and that he is an opponent to all organized government."

When this alien was questioned in the jail by Inspector Fedor, "he frankly admitted that he is an anarchist and a contributor to the Italian anarchistic newspaper called *Cronaca Sovversiva*. (See inspector's report, dated Mar. 28, attached to record.) When questioned under the warrant of arrest by Inspector Carl Strahle at Ellis Island he claimed that the admission that he was an anarchist and that he had contributed to the paper was forced out of him by the police officers or the inspector, or both; at least, his testimony indicates that he desired to create the impression that his admission in this regard was made without qualification at that time because of the insistence of the officers upon a direct answer to their questions. The bureau is not disposed to place much credence in this attempt at evasion, especially as the record of the man's examination by Inspector Strahle shows beyond question that he is an anarchist and a disbeliever in government.

When asked the direct question, "Is it true that you are an anarchist?" alien replied "I would like to know from you what is an anarchist and what you understand by the term anarchist." The inspector then asked him "Do you disbelieve in organized government personally?" to which he replied "I do not believe in government, because the Nation does not need a government." By this answer the alien not only gives his own definition of an anarchist, which concurs with the general understanding of the term, but in the same breath shows conclusively that he also falls under that provision of law which requires that aliens who disbelieve in organized government shall be deported.

If it were not for the fact that the commissioner at New York in submitting the case, inferentially recommends that the warrant be canceled and the alien released, the bureau would not deem it worth while to analyze the record further than shown above.

It is clear from a letter written on December 25, 1914, to a friend, and from the article accompanying same, which constitute Exhibits A and B, authorship of which the alien admits, that at that time the alien regarded himself as a real anarchist, the letter and article being an attack upon one Lostia, at whom alien was incensed because Lostia claimed to be an anarchist but did not act in a manner comporting with the alien's ideas of what an anarchist should do. The article was apparently intended for publication in *Cronaca Sovversiva*, for the letter refers to "Gigi," which is the name by which Luigi Galleani is commonly known among his anarchist friends (a fact amply demonstrated by many records on file in the bureau). The alien has stated, moreover, that, "if all people were of my intelligence and education, they would not require a government," and that "for myself, I believe that I do not need any sort of government because I can guide myself." Scarcely could a more accurate definition of belief in anarchy be found than this; certainly it would be difficult to find a more egotistical one. Alien also asserts and reiterates his belief that in this country it is proper to change the government by any means the people may choose to select; he apparently does not realize that we have a Constitution which provides the only lawful method of changing the form of government in this country. He would substitute all organized government with what he calls "spontaneous organizations," by which presumably he means bodies similar to the soviets that have sprung into existence in Russia. The bureau has seldom seen a clearer case of being an anarchist and of disbelieving in organized government, and it recommends that a warrant issue for the alien's deportation on those two grounds.

A. CAMINETTI, *Commissioner General*.

Approved.

JOHN W. ABERCROMBIE, *Acting Secretary*.

U. S. DEPARTMENT OF LABOR,
IMMIGRATION SERVICE,
OFFICE OF COMMISSIONER OF IMMIGRATION,
Ellis Island, New York Harbor, N. Y., July 10, 1919.

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.:

I invite your attention to the case of Andrew Ciofalo, whose deportation at Government expense is directed in department warrant No. 54379/400. Pursuant to instructions contained in department letter of April 5, 1919, of the above number, this alien was paroled to the custody of his attorney, Harry Weinberger, 261 Broadway, New York City. At the time of his parole a case was pending against him in the District Court of the Southern District of New York. June 24, 1919, I was informed by the United States attorney to the effect that the case against him in the United States court had been dismissed. June 27, 1919, I made written request on Mr. Weinberger to produce Ciofalo at Ellis Island for deportation not later than noon July 3. It was intended to accomplish his deportation to Italy on the 10th instant. The alien was not produced here. I again requested Mr. Weinberger to produce the alien here, in order that arrangements could be made to return him on sailing of a vessel scheduled to sail July 15. To date the alien has not appeared here. I do not know his present whereabouts. I deem it advisable to inform you of these facts in order that you may know the present status of this case.

BYRON H. UHL,
Assistant Commissioner.

CASE OF GUS LIPKIN.

The case of Gus Lipkin, bureau file 54379/205, is a similar case. Memoranda pertaining to this case read as follows:

1. Full name of person arrested: Gus Lipkin (or Gustav Lipkins).
2. Number of case (Bureau of Immigration files): 54379/205.
3. Date of warrant of arrest: March 27, 1918.
4. Charge upon which arrest was made: Found advocating or teaching the unlawful destruction of property.
5. Date and place of arrest: March 23, 1918. Leadville, Colo.
6. Disposition of case: Ordered deported. Transferred to Ellis Island for deportation. Case reviewed and alien paroled on his own recognizance.
7. Status of case at present: Warrant of deportation pending.

54379/205

JANUARY 15, 1919.

In re Gus Lipkin, aged 24, single, native and subject of Russia, entered presumably at New York, N. Y., on July 5, 1912.

Memorandum for the Acting Secretary:

The above-named alien was arrested at Leadville, Colo., on the ground that he had been found advocating or teaching the unlawful destruction of property.

According to the statements of this man, he has since entry into the United States been employed chiefly as a laborer in the harvest fields of the Middle West during the summer and as a freight handler in Chicago in the winter; that he joined the I. W. W. in 1916, and since then has been a consistent member, paying his dues regularly, and contributing to the defense funds for other I. W. W.'s whenever called upon, among whom were W. D. Haywood, the secretary-treasurer of the organization, who was recently given a sentence of 20 years for violation of the espionage act; that he joined the organization while working in the harvest fields because those who were not members were chased out; and that, after he became a member, he did some chasing himself. The alien made the statement as to assisting in running workmen out of the harvest fields who were not members of the order in his first examination. He now denies this statement, claiming that he did not understand English very well. This excuse is not at all plausible, as he is quite intelligent and speaks English very well. He says that in the early part of 1918 he started from Chicago destined to Bisbee, Ariz.; that he was to meet other workmen in Denver, and with them proceed to Bisbee, all having their expenses paid by the company for whom they were to work, but on arriving at Denver he found they had gone, whereupon he went to Leadville, Colo., and secured work in the mines there. He admits that a man named O'Hare, alias Morrissey, who has since been given a five-year sentence for violation of the espionage act, in company with one Sam Nelson (whose case is considered in file 54379/204), came from Chicago to Leadville, and that he went with them to the house of one John O'Donnell, where plans for organizing the I. W. W. in Leadville were discussed. While he denies that he took any active part in the discussion or in any

attempted organization, he does admit that it was his duty to assist in getting new members for the order. It appears, however, that all these men were arrested a few days after their conference at the home of O'Donnell, and therefore did not get an opportunity to do much in the way of organizing. Lipkin is a firm believer in the tenets and principles of the I. W. W., and believes that the ideas contained in the preamble to the constitution of the organization should be carried out and that it is his duty to assist in the execution of such ideas. He claims that he has read but very little of the literature of the I. W. W. However, he has read a book entitled "The revolutionary I. W. W.," and admits that he believes in its teachings; also is in favor of many of the songs in the official songbook of the order, entitled "Songs to fan the flame of discontent," mentioning Casey Jones, the scab engineer. In the last record of hearing accorded the alien there is little mention made of sabotage, the examining officer stating that he previously had a talk with Lipkin and did all he could to get the latter to commit himself on this subject, but that Lipkin stated positively that he did not believe in sabotage. The inspector therefore believed it unwise again to question him at the hearing, as his denials on this point were very strong. In this respect, however, he is not unlike the vast majority of the members of the organization, radical and otherwise, for to admit a belief in sabotage might in many instances lead to the institution of criminal proceedings. Undoubtedly he has been thoroughly instructed on this point by Sam Nelson, with whom he has been confined in jail. While the alien may not actually by word of mouth have advocated and taught the unlawful destruction of property, the bureau is of opinion that he has done so by his acts, having assisted financially and otherwise an organization which does teach such practice by the publication and distribution of certain literature. The alien was given ample opportunity to secure the services of an attorney, but did not avail himself of such opportunity. It is believed that he is not averse to returning to Russia. There seems little doubt that, had he been given sufficient time, he would have become one of the organizers and active leaders at Leadville. It appears that he has assisted the organization to which he belongs in furthering its teachings and ambitions so far as he was able.

The bureau recommends his deportation to Russia at Government expense on the grounds contained in the warrant of arrest.

A. CAMINETTI, *Commissioner General*.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary*.

MARCH 20, 1919.

In re Gus Lipkin.

Supplemental memorandum for the Acting Secretary.

This case was presented to the department in memorandum of January 15th. The alien was arrested under the 1917 act on the ground that he had been found advocating or teaching the unlawful destruction of property. He is a member of the I. W. W., and the attorneys of that organization, Miss Lowe and Mr. Recht, have presented a brief and made an argument in his behalf since he was brought to Ellis Island for deportation.

The bureau has reviewed the record again on the basis of the representations made by the attorneys. While it believes that from a strictly legal point of view the deportation of the man could be justified, the bureau is now inclined to give him the benefit of such doubts as exist regarding his personal advocacy or teaching of the unlawful destruction of property and accordingly recommends that he be paroled on his own recognizance.

ALFRED HAMPTON, *Acting Commissioner General*.

Approved.

JOHN W. ABERCROMBIE, *Acting Secretary*.

(Notation in ink:) Advise the attorneys, 110 West Fortieth Street.

CASE OF KATIE COHEN.

The case of Katie Cohen, bureau file 54379/529, is similar to the cases last mentioned. Memoranda pertaining to this case read as follows:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington.

1. Full name of person arrested: Katie Cohen, alias Sadie Cohen.
2. Number of case (Bureau of Immigration files): 54379/529.
3. Date of warrant of arrest: June 22, 1918.

4. Charge upon which arrest was made: That she has been found advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law, or the assassination of public officials; that she was at the time of her entry a member of or affiliated with an organization entertaining and teaching disbelief in or opposition to organized government, or teaching the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States, or of any other organized government, because of his or their official character; and that she was an anarchist or person who at the time of her entry believed in or advocated the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieved in or was opposed to organized government, or who advocated the assassination of public officials.

5. Date and place of arrest: June 25, 1918, Chicago, Ill.

6. Disposition of case: Warrant of deportation to Russia at Government expense issued June 26, 1918. Paroled to attorney.

7. Status of case at present: Pending.

54379/529

JUNE 11, 1919.

In re Katie Cohen, alias Sadie Cohen, aged 26, native and citizen of Russia, Hebrew race, landed presumably at New York.

Memorandum for the Acting Secretary:

The case of this woman should be considered in connection with that of William Judin, an acknowledged anarchist, who is now under order of deportation (bureau file No. 54379/528). The evidence shows that up to the time of her arrest she lived in the same flat with Judin and one Andrea Sistani, the latter also being under order of deportation. At the time her case was reported to the bureau in June, 1918, she was in a delicate condition, but the present record does not indicate whether or not she gave birth to a child, neither has it been determined who is the father of her child.

At the first hearing on June 25, 1918, she refused to answer all questions concerning the anarchistic charges placed against her. Three days later she was accorded another hearing, her attorney, Peter Sisman, being present. On this occasion she denied that she was an anarchist, either then or at the time of her entry. She did admit, however, having attended anarchist meetings held by Emma Goldman. She further admits that she attended radical meetings with William Judin and sold copies of the Social War, now known as the Social War Bulletin. She admits that this is an anarchistic publication, and that she knew at the time of selling it that it was such. This publication is the official mouthpiece of an organization known as the International Propaganda Group, or The International Anarchist Propaganda Group. By reference hereto the following extract from the Social War Bulletin, dated April, 1913, is found; it will be noted that this extract is acknowledged by Judin to contain the statement of views and beliefs of the International Propaganda Group:

"Our principles. The International Propaganda Group of Chicago is organized for the purpose of bringing the ideas of anarchism before the working classes. The group advocated a new social order, where private ownership of land, capital, and machinery shall cease to exist; where the tools of production shall become society's common property, to be managed by the workers themselves. The group realizes that one of the greatest obstacles in the way of mankind's road to progress is the compulsory authority exercised by one class upon another. Therefore the group declares itself against all forms of government and propagates the idea of voluntary association. The overthrow of the present system can not be accomplished through statutory enactments, but by the social revolution. The group, therefore, repudiates politics and politicians and advocates direct action by the workers in their struggle for emancipation (p. 5)."

The alien claims, however, that she did not sell the Social War in order to assist in bringing to the United States the anarchistic ideas that are published therein, but simply to accommodate Judin, who asked her to sell it for him. In the course of the hearing the alien admitted that she has been living in the Workers' Institute, where the International Propaganda Group holds its meetings.

The Government presents the testimony of Lawrence L. McDonald, detective sergeant of the Chicago police force. He states that he had had the alien Katie Cohen under observation for a period of about nine months or a year; that she lived in a flat at 1024 East Forty-third Street, which was occupied by William Judin and Andrea Sistani and a girl by the name of Levin; that he has seen her many times at meetings held by Emma Goldman, the League of Humanity, and the Anti-Military League; that she attended these meetings to collect money for the benefit of these leagues, as well as for the 11 Italian prisoners confined in the Wisconsin State Penitentiary for their participation in the bomb-throwing episode at Milwaukee; also that at these meetings she was very active in the selling of the Social War, and that he has read this

publication and knows that it contains articles of an anarchistic nature. He further stated that at the time he arrested William Judin in the apartment at 1024 East Forty-third Street she (Katie Cohen) said to him in the presence of two members of the police force that she would make a good anarchist out of him; that he asked her why she thought she could make a good anarchist out of him, and she replied that she had a way of doing that. No witnesses were produced at the hearing either for or against the alien, except Sergt. McDonald for the Government.

The bureau is of the opinion that this woman, by her acts in disseminating anarchistic literature, is guilty of the charge of teaching anarchy, and upon that ground has to recommend her deportation to Russia at Government expense when possible. Meanwhile she may be released if she furnishes a bond in the penalty of \$1,000.

A. CAMINETTI, *Commissioner General*.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary*.

There appears in the files of the Bureau of Immigration a list of names, under the heading "Memorandum of Seattle cases brought to Ellis Island for deportation, February 11, 1919 (aliens charged with violation of anarchistic provisions of law), showing disposition of each." This is followed by a sort of a memorandum summary regarding some of the cases. Copy of same reads as follows:

DISPOSITION OF SEATTLE CASES AT ELLIS ISLAND.

Memorandum of Seattle cases brought to Ellis Island for deportation, Feb. 11, 1919 (aliens charged with violation of anarchistic provisions of law), showing disposition of each.

File No.	Name.	Nationality.	Disposition.
54379/491	Charles Bernat.....	Russia.....	Released under bond.
54379/53	August Bostrom.....	Sweden.....	Paroled.
54517/16	Martin de Wal.....	Holland (?).....	Released under bond; impossible to obtain passport; no proof of nationality.
54379/503	Sam. H. Dixon.....	England.....	Deported.
54379/12	Sol. Ehrlich.....	Russia.....	Released under bond.
54379/12	Chas. P. Emersen.....	Germany.....	Deported.
54379/416	William Fields.....	England.....	Do.
54517/68	Olaf Finnestad.....	Norway.....	Do.
54379/23	Edwin Flogaus.....	Poland.....	Paroled.
54379/114	Fritz Holm.....	Sweden.....	Deported.
54379/76	Jalmar Holm.....	do.....	Paroled.
54379/86	Charles Jackson.....	Denmark.....	Released after habeas corpus.
54547/15	Herbert H. Jackson.....	England.....	Deported.
54554/40	Alfred Johnson.....	do.....	Not anarchistic, etc.
54379/50	Christ. L. Johnson.....	Norway.....	Paroled.
54554/3	Olaf Johnson.....	do.....	Not anarchistic, etc.
54379/425	Alex. Kisil.....	Austria.....	Released on bond.
54379/28	John Leivo.....	Finland.....	Paroled.
54379/205	Gustav Lipkins.....	Russia.....	Do.
54235/102	Ephim Listkoff.....	do.....	Do.
54379/82	William Longfors.....	Denmark.....	Do.
54379/44	James Lund.....	Sweden.....	Do.
54379/501	E. E. McDonald.....	Denmark.....	Warrant canceled.
54517/54	Donald McPherson.....	England.....	Deported.
54379/5	Joe Martin.....	Russia.....	Paroled.
54379/101	Kazis Maskalunas.....	do.....	Released on bond.
54379/134	Peter W. Merta and wife.....	Finland.....	Do.
54379/48	Louis Mische.....	Switzerland (?).....	Discharged, U. S. citizen.
54379/186	Frank Mihalik.....	Austria.....	Fugitive (escaped from hospital).
54379/18	John Moran.....	England.....	Paroled.
54379/204	Sam Nelson.....	Sweden.....	Released after habeas corpus.
54353/608	Evald Olsen.....	do.....	Not anarchistic, etc.
54414/81	Albert Osborn.....	Norway.....	Do.
54517/33	Magnus Otterholm.....	do.....	Paroled.
54379/185	John Berg.....	Denmark.....	Do.
54378/417	Thomas Rimmer.....	England.....	Deported.
54379/183	McGregor S. Ross.....	Scotland.....	Paroled.
54379/54	John Sheehan.....	Ireland.....	Deported.
54235/112	Aaron Slutzkar.....	Russia.....	Paroled.
54379/68	Arthur J. Smith.....	England.....	Do.
54517/93	Axel Hendrickson.....	do.....	Do.

Deported.....	9
On bond awaiting deportation.....	7
Paroled.....	16
Discharged.....	4
Fugitive.....	1
Total.....	37

NOTE.—Foregoing is an exact copy. Totals, however, do not agree with list, which shows 41 names.

CASES PAROLED FROM ELLIS ISLAND.

54379/44. James Lund. Arrested at Seattle, January 18, 1918; charge advocating or teaching anarchy, etc. Parole for one year directed, November 15, 1918, under following decision:

"This man states that he has been a member of the I. W. W. since July, 1917, and has not only paid his dues to the organization, but has contributed to various defense funds solicited by it. Various paragraphs from the official books and pamphlets of the order were read to him, but it is almost impossible to secure a definite answer from him as to his beliefs. He is below the average in intelligence and in fairness to him it may be said that it is quite possible that he did not at the time of joining realize or understand the principles and teachings of this organization. At any rate it does not appear that he is an active member or a dangerous propagandist. It is believed that justice will be done if final action is suspended and this man released upon his own recognizance for a period of one year, with the understanding that he is to report quarterly to the nearest immigration official as to his occupation and conduct. It is so recommended."

Refused to accept parole, and was accordingly rearrested under the provisions of the act of October 16, 1918, on a warrant charging that "he has been found a member of * * * an organization * * * that advocates or teaches the unlawful destruction of property." Decision of February 4, 1919, sustained this charge on the record of hearing submitted by the Seattle office, and directed deportation to Sweden at Government expense. Alien was removed to Ellis Island in party leaving Seattle February 6, 1919, after which application was made to the Department by his counsel for a reconsideration of his case. Such application was granted, and on March 14, 1919, the following decision was approved: "Since this case was finally presented to the Department in memorandum of February 4, attorneys Lowe and Recht have made an earnest argument in alien's behalf. When the case was first summarized on November 25, the bureau recommended that the alien be released on his own recognizance for a period of one year as the evidence in hand did not clearly establish that he had been personally advocating or teaching the unlawful destruction of property. He refused to accept the release, and that circumstance was thought to justify his rearrest under the act of October 16, 1918, on the simple charge that he was a member of an organization which advocated or taught the unlawful destruction of property. There is only a little evidence in the record that can be pointed to as a justification for holding that the man has, either as a member of the organization or independently, distributed literature or otherwise advocated the unlawful destruction of property; and the bureau is satisfied from the statements made by the attorneys that in this instance the previous decision is not as fully or as substantially supported as is desirable under the policy which is being followed in these cases generally. It is accordingly recommended that the alien be released on his own recognizance."

Alien was accordingly released from Ellis Island on March 17, 1919, and under outstanding instructions the case is to be brought up for final consideration on or about January 1, 1920.

54379/23. Edwin Flogaus. Arrested at Seattle January 16, 1918, on same charge as James Lund, above. Decision thereon approved November 25, 1918, as follows:

"The evidence of the record does not fully support the warrant charges. It is not unlikely thought that all the facts have not been developed and the same will be brought out by further inquiry. It is accordingly recommended that decision be held in abeyance for one year and alien released upon his own recognizance if he agrees to report to the Seattle office his whereabouts and occupation."

This he refused to do. The new act of October 16, 1918, having come into effect, it was then decided, in view of his refusal to comply with the department's terms, and the fact that he seemed to fall within its scope, to rearrest him under the new act on the ground of membership in an organization which advocates or teaches the unlawful destruction of property. Decision of February 4, 1919, sustained that charge, and directed the alien's deportation to Poland at Government expense. Alien was in pursuance thereof removed to Ellis Island, and after consideration of petition of counsel for a reopening and reconsideration of the case, the following decision was approved on March 14, 1919:

"This case in every material respect corresponds to that of James Lund, submitted simultaneously; and the Bureau recommends that the alien be released on his own recognizance."

Released March 17, 1919. Case to be called up on or about January 1, 1920.

54379/53. August Boxrom. Arrested at Seattle, January 19, 1918, on charge "found advocating or teaching the unlawful destruction of property." Upon review of the record of hearing under this warrant, the following conclusion was expressed in decision of November 19, 1918:

"The evidence does not establish the warrant charges. It seems possible, however, that evidence does exist and that the same can be developed by further discreet inquiry. It is accordingly recommended that decision in the case be postponed for a year and in the meantime alien be released on his own recognizance if he agrees to report every three months his whereabouts and occupation to the Commissioner at Seattle."

He refused parole, and as in the preceding cases was rearrested under the act of October 16, 1918, whereupon, after hearing under the new warrant, the following decision was approved, February 4, 1919:

"The bureau is convinced from the record that the alien is a member of or affiliated with an organization teaching or advocating the unlawful destruction of property and upon that ground has to recommend his deportation to Sweden at Government expense."

Alien was accordingly brought to Ellis Island for deportation, and on March 14, 1919, after consideration of petition for reopening, the following decision was had:

"This case in every material respect corresponds to that of James Lund, submitted simultaneously, and the bureau recommends that the alien be released on his own recognizance."

54379/28. John Leivo, alias Litmonen. Arrested at Seattle, January 17, 1918, on the charge advocating or teaching anarchy; warrant amended February 5, 1918, changing the charge to that of advocating or teaching the unlawful destruction of property. After review of the record of hearing under this warrant, the following decision was approved, November 22, 1918:

"The evidence does not fully support the warrant charge that alien has been found advocating or teaching the unlawful destruction of property. * * * The bureau accordingly recommends that decision be held in abeyance for one year and the man released upon his own recognizance, if he agrees to report his whereabouts and occupation monthly to the commissioner at Seattle."

As in the preceding cases, alien refused to accept parole, and was rearrested under the act of October 16, 1918, as a member of an organization advocating or teaching the unlawful destruction of property. This charge was sustained by the decision of February 4, 1919.

"Considering the record as a whole, the bureau is convinced that this alien is a member of or affiliated with an organization teaching or advocating the unlawful destruction of property, and upon that ground has to recommend his deportation to Finland at Government expense."

Alien was thereafter removed to Ellis Island and petition was received from his council for reopening and reconsideration. Decision of March 14, 1919, was approved as follows:

"This case in every material respect corresponds to that of James Lund, submitted simultaneously, and the bureau recommends that the alien be released on his own recognizance."

Released, March 17, 1919, and case to be called up on or about January 1, 1920.

54379/50. Christ Johnson. Arrested at Seattle, January 19, 1918, on the charge advocating or teaching the unlawful destruction of property; hearing reviewed and decision rendered November 25, 1918, as follows:

"The evidence does not fully support the warrant charges. It is not unlikely, however, in view of alien's admissions, that the true situation concerning his beliefs has not been fully developed. The bureau accordingly recommends that decision be held in abeyance for one year, provided alien agrees to keep the Seattle office advised of his whereabouts and occupation."

Refused to accept parole; rearrested January 18, 1919, as a member of an organization that advocates or teaches the unlawful destruction of property. The following decision was approved February 4, 1919, after consideration of the record of hearing under the last named warrant.

"Considering the record as a whole, the bureau is convinced that this alien is a member of or affiliated with an organization teaching or advocating the unlawful destruction of property, and upon that ground has to recommend his deportation to Norway at Government expense."

After removal to Ellis Island for deportation and a consideration of petition of attorneys for reopening of case, the following action was taken March 14, 1919:

"This case in every material respect corresponds to that of James Lund, submitted simultaneously, and the bureau recommends that the alien be released on his recognizance."

The alien was accordingly released March 17, 1919, and case is to be brought up on or about January 1, 1920.

54379/5. Joe Martin. Arrested at Seattle, January 14, 1918; on the ground "found advocating or teaching the unlawful destruction of property." Decision approved November 3, 1918, as follows:

"The record contains very little, if any, direct evidence supporting the charge that alien has been found advocating or teaching the unlawful destruction of property. It seems likely, in view of the testimony concerning his beliefs, etc., that were the true facts developed it would be found he comes within some class deportable under the law. The bureau accordingly recommends that decision be held in abeyance for one year and alien released upon his own recognizance provided he agrees to keep the Seattle office advised of his whereabouts and occupation."

Declined to accept parole and taken into custody under new warrant dated January 17, 1918. Hearing had and the following decision approved February 4, 1919:

"A prima facie case as to the alien's membership in the I. W. W. has been established by his sworn statement at a previous hearing, which hearing has been incorporated into and made a part of this record, to the effect that he joined the I. W. W. about four years ago, is still a member, believes in its principles and teachings, has contributed money to defense funds solicited by it, and, in short, has done all he could to advance its interests. The burden of proof is now upon the alien to refute the charge that he is a member of the I. W. W., an organization teaching and advocating the unlawful destruction of property. The bureau has also introduced into the record ample evidence showing that the I. W. W. is an organization which teaches or advocates the unlawful destruction of property."

"The bureau recommends the alien's deportation to Russia at Government expense upon the ground that he is a member of or affiliated with an organization teaching or advocating the unlawful destruction of property."

Removed to Ellis Island for deportation and after consideration of application for reopening made by alien's attorneys, the following decision was approved March 14, 1919:

"Attorneys * * * have directed attention to several points favorable to him which had been overlooked when the record was previously considered on two occasions. The man's defiant attitude made a very bad impression upon all those with whom he has come in contact and even the cold typewritten record does not make a good impression. Nevertheless, following the line which the bureau and department have been attempting to draw in all these cases between the technical or literal and the substantial, and taking into consideration the points to which the attorneys have now directed attention, the bureau recommends that the petition for reopening be granted and the alien released on his own recognizance."

Released March 17, 1919, and case to be brought up on or about January 1, 1920.

54379/183. McGregor S. Ross. Arrested at Seattle March 16, 1918; charge, advocating or teaching the unlawful destruction of property. Deportation directed November 25, 1918, under the following decision:

"In the bureau's opinion the allegation that alien was a person likely to become a public charge at the time of entry, at which time he was not inspected, is established by the evidence, and that the charge that he had been found advocating or teaching the unlawful destruction of property is also reasonably proven by the evidence relating to the distribution of literature of the I. W. W., which advocates and teaches sabotage. The bureau recommends that warrant of deportation be issued, the alien to be returned to Scotland at Government expense."

After removal to Ellis Island for deportation, petition for reopening of the case was made by attorneys for alien, and on March 14, 1919, the following decision was approved:

"This case was considered by the department on the basis of bureau memorandum of November 25, and a warrant issued on December 5 for his deportation on the two grounds: (1) That he has been found advocating or teaching the unlawful destruction of property and (2) that he was a person likely to become a public charge at the time of his entry. It is fair to assume from the record that this man last entered the United States between four and five years ago, coming down from Canada, to which country he states he has made several visits since he first came here from Scotland in 1865; but there is no definite evidence or information as to when this last entry occurred. Technically, on the basis of the man's own statement, it could doubtless be maintained that he is subject to deportation on the last charge, so far as the time limit is concerned. The conclusion that he was likely to become a public charge when he last entered is based largely upon his testimony concerning his activities as an I. W. W. member. He has always made a living, however, and has accumulated some property."

"With regard to the main charge there is considerable in the old man's testimony indicating that he is not only a radical in his beliefs, but that he has been actually distributing literature that teaches the unlawful destruction of property. There is

running through the alien's statements, however, an indication of a frame of mind, irritated if not actually bitter, produced by injustice or supposed injustice perpetrated upon him and others similarly situated; and on again reviewing the record, in the light of statements and arguments made by attorneys, the bureau is inclined to think that Ross really has done himself an injustice. Moreover, as pointed out by the attorneys, this man has lived in the United States, except for short visits to Canada, since he was a boy; he is 65 years old and really knows no other country or home than the United States.

"Taking all of the favorable features of the case into consideration the bureau is inclined to believe that in all substantial respects they outweigh the unfavorable, although the record amply justifies deportation if the case is considered simply from the legal point of view. It is recommended that the case be reopened and the alien released on his own recognizance."

The alien was released on March 17, 1919, and on August 21, 1919, the Commissioner of Immigration at Seattle was instructed to make an investigation of the alleged activities of Ross in that district.

54379/82. William Longfors. Arrested at Seattle, January 25, 1918, on same grounds as in preceding case, and deportation to Denmark at Government expense directed in decision of November 22, 1918. After removal to Ellis Island, a petition for reopening filed by alien's attorneys was denied on March 14, 1919. Writ of habeas corpus was applied for, and pursuant to understanding between the court and the United States Attorney's office, the case, together with two others of a similar nature, was taken up for reconsideration, and on April 17, 1919, the following decision was approved:

"As these cases (Longfors and Otterholm) are in all substantial respects similar to that of Sam Nelson, in which Judge A. N. Hand sustained a writ of habeas corpus, and as we have asked for an appeal of that case and the United States Attorney in New York is to write the Attorney General so recommending, Mr. Parker agreed to the view of the United States Attorney's office that it would probably do more harm than good to get adverse decisions on these two in addition to the Nelson case. Accordingly an understanding was had all around that these two cases should go over for two weeks and that they would be taken up by the department again.

"Both of the cases are pretty near the border line—have been so regarded right along, and Longfors was never advised at any stage of the proceedings that he was entitled to counsel. It is now recommended that the aliens be paroled on their own recognizance."

In accordance therewith the alien was released from custody on April 19, 1919, and his case is to be brought up for final disposition on or about January 1, 1920.

54517/33. Magnus Otterholm. Arrested at Seattle, August 12, 1918, on the same charge as preceding cases. Deportation to Norway at Government expense was directed under decision of October 28, 1918. After removal to Ellis Island, an application for the reopening of the case was received from alien's attorneys, which was denied in decision of March 14, 1919. Writ of habeas corpus was sought in southern district of New York, and in accordance with understanding with the United States attorney's office, the case was reconsidered and alien's parole was directed under the following decision:

"As these cases (Longfors and Otterholm) are in all substantial respects similar to that of Sam Nelson, in which Judge A. N. Hand sustained a writ of habeas corpus, and as we have asked for an appeal of that case and the United States Attorney in New York is to write the Attorney General so recommending, Mr. Parker agreed to the view of the United States Attorney's office that it would probably do more harm than good to get adverse decisions on these two in addition to the Nelson case. Accordingly an understanding was had all around that these two cases should go over for two weeks and that they would be taken up by the department again.

"Both of the cases are pretty near the border line—have been so regarded right along, and Longfors was never advised at any stage of the proceedings that he was entitled to counsel. It is now recommended that the aliens be paroled on their own recognizance."

The alien was released from custody on March 17, 1919. Case to be called up for final determination on or about January 1, 1920.

54379/18. John Morgan. Arrested at Seattle, January 15, 1918, on charge of advocating or teaching the unlawful destruction of property. Ordered deported to England at Government expense under decision of December 2, 1918. Removed to Ellis Island for deportation and petition of attorneys for reopening of the case denied under decision of March 14, 1919. Writ of habeas corpus applied for and in pursuance of understanding with United States attorney's office, as in the two preceding cases, the case was reconsidered and on April 17, 1917, alien's parole was directed under the following decision:

"In this case it was found as a result of the traverse to the return of the writ of habeas corpus, made by his attorney, that the record and return were defective. While these defects, especially those in the return, could have been cured before the court, the United States attorney and Mr. Parker reached the conclusion that the case was so near like that of Sam Nelson which had been decided against the Government by the district court (and in which an appeal is being recommended by the United States attorney), that to go on with the case would probably result in adding another decision unfavorable to the Government in the district court in New York. They, therefore consented to the suggestion of alien's attorney that the case be allowed to go over in court for two weeks and that meanwhile the matter would be given further consideration by the department.

"This man is not shown to be a bad character, nor to have been particularly active in spreading I. W. W. propaganda, although he did act as a delegate and organizer and probably distributed more of the literature than he has been willing to admit. As a matter of expediency, and with the hope that by so doing we will get better results than otherwise would accrue in the court at New York, it is now recommended that the alien be paroled upon his own recognizance."

Alien was released on April 19, 1919. This case is to be brought up on or about January 1, 1920, for final determination.

54379/185. John Berg. Arrested at Seattle March 19, 1919, on charge, found advocating or teaching the unlawful destruction of property. After hearing was held under this warrant, the department granted this alien permission to reship foreign, but the record shows that it was impossible to obtain a berth for him, although the assistance of the Norwegian vice consul was enlisted. On November 20, 1918, his deportation to Denmark at Government expense was accordingly directed and he was removed to Ellis Island for deportation. Petition for reopening of the case was filed by attorneys, and on March 14, 1919, the following decision was approved:

"Berg has not been regarded on the evidence in hand as nearly so dangerous a character as some of the aliens arrested about the same time as he, and the argument made by Attorneys Lowe and Recht has convinced the bureau, taking into consideration at the same time evidence given by Miss Lowe (who happens to be personally acquainted with Berg), that it can properly now recommend that the alien be released on his own recognizance. Miss Lowe has testified very favorably to Berg's general character. He has lived in the United States for a long time, and is getting to be an old man. He is a sailor by calling, and he was thought well enough of, on the previous record, to consent to his shipping out as a sailor, but it proved impracticable to get a berth for him on a ship sailing out of Seattle.

"The Ellis Island office should be advised that, if the alien now desires to ship as a seaman, they should assist him as far as possible to secure a berth as a sailor; but that if his shipping out is not possible he should be released on his own recognizance."

Alien was released March 17, 1919, and his case, together with the others listed in this memorandum, is to be called up on or about January 1, 1920, for final disposition.

54517/93. Axel Hendrickson. Arrested at Seattle December 21, 1918, on the charge of being a member of an organization teaching or advocating the unlawful destruction of property, and under decision of February 4, 1919, his deportation to Finland at Government expense was directed on that ground. After removal to Ellis Island and consideration of an application for reopening of the case, the following decision was approved March 14, 1919:

"This case was presented to the department in memorandum of February 4. Unlike most of the cases that are now before the department the original proceedings were instituted under the new act approved October 16, 1918. Attorneys have presented a brief and made an oral argument in this man's favor. The record has again been reviewed in the light of what they present.

"The examining officer seems to have been somewhat misled by the wording of the warrant with regard to what he was expected to interrogate the alien upon, and he devoted himself much more to the matter of attempting to establish the alien's membership in the I. W. W. than he did to ascertaining what, if any, substantial activities had been carried on by the alien himself in the teaching of the unlawful destruction of property. The alien is an ignorant Finlander. He seems to have been acting as an organizer in the I. W. W. to some extent recently. There is little in the record, however, to show that he actually distributed any of the literature published or disseminated by that organization which contains the inhibited doctrines. The bureau recommends that the case be reopened and the alien released on his own recognizance."

"Alien was accordingly released from custody on March 17, 1919. This case to be called up on or about January 1, 1920, for final disposition.

54379/68. Arthur J. Smith. Arrested at Seattle January 23, 1918, as a person who had been found advocating or teaching the unlawful destruction of property. On

November 11, 1918, the alien's parole for one year was directed, with the understanding that he should report quarterly at the immigration office at Seattle, a further investigation into his activities to be made in the meantime, with a view to his rearrest under the act of October 16, 1918. After his release it was brought to the attention of the Seattle office that he was again active in I. W. W. propaganda, and he was accordingly rearrested under the new law of December 23, 1918, as a member of an organization teaching the unlawful destruction of property. Deportation to England at Government expense was directed by decision of February 4, 1919, and he was accordingly removed to Ellis Island. An application for reconsideration was decided in alien's favor on March 14, 1919, for the reason that his case corresponded with that of James Lund (first case quoted in this memorandum). He was accordingly released from custody on March 17, 1919. His case is now under investigation by the Seattle office.

54235/160. Mike Elick. Arrested at Akron, Ohio, December 10, 1917, on the ground found advocating or teaching anarchy. Deportation to Russia at Government expense directed November 23, 1918. Deportation stayed for some time on account of condition of wife's health. Application for writ of habeas corpus was made in this case, but was subsequently withdrawn and application made for reopening of the case before the department. This was granted and considerable new material was submitted to the department, as a result of which the following decision was approved March 21, 1919:

"The bureau has again reviewed the record concerning this man. There are some parts of his testimony which make a very good impression. He is a member of the Russian Workers' Union and of course his deportation could be justified as a legal proposition simply upon that ground as the constitution of that organization shows it to be anarchistic; but under all of the circumstances the bureau feels that it would be proper at this time to give the alien the benefit of such doubts as exist regarding his being an anarchist himself or having engaged actively in anarchistic propaganda in this country. It is accordingly recommended that he be paroled on his own recognizance."

This case has never finally been determined and is on the calendar to be brought up for final consideration about January 1, 1920.

54379/76. Jalmar Holm. Arrested at Seattle January 25, 1918, on the charge, advocating or teaching the unlawful destruction of property. Ordered deported to Sweden at Government expense by decision of November 5, 1918, with the provision that until deportation became possible he should be released under rule 17-A. He refused such release and was rearrested under act of October 16, 1918, and under decision of February 4, 1919, was again ordered deported to Sweden at Government expense, as a member of an organization teaching or advocating the unlawful destruction of property. He was brought to Ellis Island for deportation, and after consideration of petition for reopening of case, his release on his own recognizance was directed by decision of March 14, 1919, for the same reasons as set forth in the case of James Lund, quoted at the beginning of this memorandum. This case is also to be called up on or about January 1, 1920.

54235/102. Ephim Listkoff. Arrested at Seattle November 28, 1917, on the ground, advocating or teaching anarchy. This alien was a member of the Russian Workers' Union. His deportation to Russia at Government expense was directed by decision of November 18, 1918, and being unable to furnish bond in the sum of \$1,000 (the acceptance of which was authorized), he was conveyed to New York for deportation. On March 20, 1919, the following decision was approved, after a reopening of the case on petition of alien's attorneys:

"This man is a member of the Russian Workers' Union. He has been an officer of the local union in Seattle and evidently has been something of a leader. He was arrested under the act of 1917, however, charged with advocating or teaching anarchy; no action has ever been taken against him under the act of October 16, 1918. As the constitution of the Russian Workers' Union shows it to be an anarchistic organization, it would be a perfectly simple matter to bring about the deportation of this alien under the act of October 16; indeed, a pretty fair case is made out against him under the previous law. But on reviewing his testimony in detail the bureau is considerably impressed with his claim that, while he is quite radical in his views with respect to the rights of laboring men as compared with those of capitalists, he is not an anarchist himself and has not been, directly at least, spreading any anarchistic propaganda.

"The bureau now recommends that the alien be paroled upon his own recognizance."

He was accordingly released March 25, 1919, and his case is to be brought up for final determination on or about January 1, 1920.

54235/102. Gustav Lipkins. Arrested at Leadville, Colo., March 27, 1918, as a person advocating the unlawful destruction of property. Under decision of January 2, 1919, deportation to Russia at Government expense was directed. Petition was thereafter made by attorneys for reopening of the case, and on March 20, 1919, the following decision was approved:

"The bureau has reviewed the record again on the basis of the representations made by the attorneys. While it believes that from a strictly legal point of view the deportation of the man could be justified, the bureau is now inclined to give him the benefit of such doubts as exist regarding his personal advocacy or teaching of the unlawful destruction of property and accordingly recommends that he be paroled on his own recognizance."

He was accordingly released on March 23, 1919, and his case is to be called up on or about January 1, 1920.

54235/112. Aaron Slutzker. Arrested at Seattle November 28, 1917, on the ground, advocating or teaching anarchy. By decision of September 28, 1919, was ordered deported to Russia at Government expense when possible, and in the meantime to be released on bond of \$1,000, the ground for deportation being that he was a person likely to become a public charge at time of entry. He was accordingly removed to Ellis Island for deportation, and petition was made by his counsel for a review and reopening of the case, which was granted by department decision of March 14, 1919, as follows:

"It is not shown that the alien is a member of the Russian Workers' Union. He denies being a member of the I. W. W., but his denial is not altogether convincing. It is not shown, however, that he has been active in distributing the literature of the I. W. W. that teaches the unlawful destruction of property. The charge made in the warrant of deportation is simply that he was likely to become a public charge at the time of his last entry from Canada. He served in the Canadian Army for a short period, and made a favorable impression upon his officers. He was discharged because he was not physically fit for overseas duty. "Altogether, on again reviewing the record, the bureau is disposed to recommend that the application for reopening be granted, and the alien released on his own recognizance."

Was released on March 17, 1919, and case is to be brought up for final determination on or about January 1, 1920.

54379/400. Andrew Ciafalo. Arrested at New York March 31, 1919, on ground of advocating or teaching anarchy. At the time the warrant of arrest was served, this alien was under a bond of \$1,000 to the United States court, and he was accordingly paroled to the custody of his attorney. His deportation to Italy at Government expense was directed under decision of May 26, 1919. Attorney has been called upon to produce this alien for deportation, and efforts are now being made to take him into custody.

54379/529. Katie Cohen. Arrested at Chicago June 22, 1918, on the ground of advocating or teaching anarchy. On account of her physical condition at the time, it was inhumane to keep her in custody, and she was unable to furnish bond. She was accordingly paroled to the custody of her attorney. Hearing was in the meantime held under the warrant of arrest, and her deportation to Russia at Government expense was directed by decision of June 11, 1919. The bureau is informed that this alien is now in New York City, and if located she will be taken into custody under the outstanding warrant of deportation.

SEATTLE CASES RELEASED ON BOND.

54379/491. Charles Bernat. Arrested at Seattle June 14, 1918, on the charge advocating or teaching unlawful destruction of property; ordered deported to Russia at Government expense November 21, 1918. Writ of habeas corpus applied for and dismissed by United States court at Seattle; brought to Ellis Island for deportation February 11, 1919; writ of habeas corpus again applied for in United States court at New York and dismissed by said court June 6, 1919. Release under bond in the sum of \$1,000 approved July 22, 1919.

54379/425. Alex Kisil. Arrested at Seattle May 5, 1918; same ground as preceding case. Deportation to Austria at Government expense directed by decision approved December 2, 1918; release under rule 17-A to be permitted pending deportation. It was impossible to comply with this condition and alien was accordingly removed to Ellis Island for deportation; writ of habeas corpus sued out, dismissed by United States court at New York; release under bond in the sum of \$1,000, pending possible deportation to his native country authorized July 22, 1919.

54379/134. Peter Williamson Merta or Melta, and wife, Elsie. Husband arrested at Seattle March 1, 1918, as a person found advocating or teaching the unlawful

destruction of property, and rearrested under new anarchy law, December 13, 1918; ordered deported to Finland at Government expense January 3, 1918; wife arrested January 24, 1919, as a member of an organization advocating or teaching the unlawful destruction of property, and on that ground ordered deported to Finland at Government expense February 4, 1919. These aliens were removed to Ellis Island for deportation February 11, 1919, after writ of habeas corpus had been denied by the courts in Seattle. Writ of habeas corpus applied for in United States court at New York and dismissed. Difficulty having been had in securing a passport to Finland for these aliens, a temporary release under bond was approved August 30, 1919. Former advices of the State Department are that considerable difficulty is being experienced in getting the provisional Finnish minister to authorize passports, and it may be a considerable length of time, if at all, before such passports can be secured.

54379/101. Kazis Maskalunas. Arrested at Seattle January 31, 1918, on the ground advocating or teaching anarchy, and ordered deported to Russia at Government expense; removed to Ellis Island for deportation; case was reopened at request of attorneys for production of additional evidence, but this was not submitted, and the case has recently been closed and arrangements are now being made for alien's deportation as soon as possible. He is now at large on \$1,000 bond.

54379/12. Sol Ehrlich. Arrested at Seattle January 14, 1918, on the ground advocating or teaching the unlawful destruction of property; ordered deported to Russia at Government expense November 19, 1918, and brought to New York for deportation. Application of counsel to reopen case denied and writ of habeas corpus applied for, but case not brought into court as the attorney conceded "that on the record it would hardly be worth while to take up the time of the court with an argument." Pending deportation to Russia, alien has been released on depositing Liberty bonds amounting to \$1,000.

54616/18. John Patterson. Arrested at Seattle, February 7, 1919, as a disbeliever in all organized Government, etc. Ordered deported to Scotland at Government expense, on the ground "found advocating or teaching the unlawful destruction of property. Owing to inability to secure passport from British Government (no proof of birth), it has not been possible to deport, and authority was granted July 29, 1919, for alien's release on deposit of \$500 in Liberty bonds.

54379/100. Hersh Linsky. Arrested at Seattle, January 29, 1918, and ordered deported, January 23, 1919, as a person found advocating or teaching anarchy, deportation at the expense of the steamship company to the country whence alien came. He arrived at Seattle October 7, 1916, via *Osaka Shosen Kaisha* from Harbin, Siberia, by way of Japan.

CASES ARISING AT SEATTLE UNDER ANARCHISTIC AND SIMILAR PROVISIONS IN WHICH
THE ALIENS CONCERNED HAVE BEEN DEPORTED.

54547/15. Herbert Harold Jackson. Arrested at Seattle, December 24, 1918, and ordered deported to England at Government expense February 4, 1919, as a member of an organization teaching the unlawful destruction of property. Deported February 27, 1919.

54379/196. Henning Anderson. Arrested at St. Maries, Idaho, March 26, 1918, on the ground advocating or teaching unlawful destruction of property; ordered deported to Sweden at Government expense September 20, 1918, and deported November 4, 1918, after an application for writ of habeas corpus had been denied.

54379/532. Margaret and Janet Roy. Arrested at Seattle, June 24, 1918, on the ground found advocating or teaching the unlawful destruction of property; deported to Scotland at steamship company's expense, July 22, 1919.

54379/451. David Nordloff. Arrested at Seattle, May 22, 1918, on ground found advocating or teaching the unlawful destruction of property; ordered deported to Sweden at Government expense June 6, 1919; departed voluntarily with family June 12, 1919.

54379/241. Lars Anderson. Arrested at Seattle, April 6, 1918, on ground advocating or teaching the unlawful destruction of property; ordered deported to Sweden at Government expense October 2, 1918, and deported November 4, 1918; writ of habeas corpus issued but dismissed.

54517/88. Sidney Metcalfe. Arrested at Seattle, January 4, 1919, and ordered deported to England at Government expense May 28, 1919, as advocating the overthrow by force or violence of the Government of the United States. Deported June 21, 1919.

54379/197. David E. Johnson. Arrested at Seattle, March 26, 1918, on ground advocating or teaching the unlawful destruction of property; ordered deported to Sweden at Government expense October 2, 1918, and deported November 4, 1918, after an application for writ of habeas corpus had been denied.

54379/199. Nels Madison. Arrested at St. Maries, Idaho, March 26, 1918, on same ground as preceding case; ordered deported to Norway October 2, 1918 at Govern-

ment expense; deported November 4, 1918, after an application for writ of habeas corpus had been denied.

54379/61. Fritz Holm. Arrested at Seattle, February 6, 1918, on ground found advocating or teaching unlawful destruction of property; ordered deported to Sweden at Government expense January 22, 1919; deported July 8, 1919, after an application for writ of habeas corpus had been denied.

54379/9. Oscar Johnson. Arrested at Seattle, January 14, 1918, on same ground as preceding case; ordered deported to Sweden at Government expense October 2, 1918; deported October 31, 1918.

54379/13. Charles Peter Emerson. Arrested at Seattle, January 14, 1918, on ground found advocating or teaching the unlawful destruction of property; ordered deported to Germany at Government expense December 31, 1918; deported September 26, 1919, as a person likely to become a public charge at time of entry.

54379/116. Karl W. Sonntag. Arrested at Walla Walla, Wash., on ground found advocating or teaching the unlawful destruction of property; accepted repatriation on June 23, 1919, before warrant of deportation to Germany issued.

54517/68. Olaf Finnestad. Arrested at Seattle, October 23, 1918, on ground advocating or teaching the unlawful destruction of property; ordered deported to Norway at Government expense January 25, 1919; deported March 1, 1919.

54379/240. Edward Berg. Arrested at Seattle, April 6, 1918, on charge found advocating or teaching the unlawful destruction of property; ordered deported to Sweden at Government expense October 2, 1918; writ of habeas corpus sued out but dismissed; deported November 4, 1918.

54379/417. Thomas Rimmer. Arrested at Seattle, May 8, 1918, on charge found advocating or teaching unlawful destruction of property; ordered deported to England at Government expense December 5, 1918; deported February 27, 1919, as a person likely to become a public charge at time of entry.

54379/416. William Fields. Arrested at Seattle, May 8, 1918, on charge found advocating or teaching the unlawful destruction of property; ordered deported to England at Government expense January 31, 1919; deported February 27, 1919.

54379/503. Samuel H. Dixon. Arrested at Seattle, June 10, 1918, on charge found advocating or teaching the unlawful destruction of property; ordered deported to England at Government expense November 26, 1918, and deported June 21, 1919, after an application for writ of habeas corpus had been denied.

54379/74. W. E. Graham. Arrested at Seattle, January 25, 1918, on charge found advocating or teaching the unlawful destruction of property; ordered deported to Canada at Government expense October 7, 1918; deported January 9, 1919, as a person likely to become a public charge at time of entry.

54379/54. John Sheehan. Arrested at Seattle, January 19, 1918, on charge found advocating or teaching the unlawful destruction of property; ordered deported to Ireland at Government expense December 3, 1918, deported February 27, 1912.

54235/57. Henry W. Watts. Arrested at Seattle, October 15, 1917, on charge found advocating or teaching the unlawful destruction of property; ordered deported to Canada January 25, 1918; deported as a person likely to become a public charge at time of entry February 27, 1918.

54379/33. Otto Bergleind. Arrested at Seattle January 17, 1918, on charge found advocating or teaching anarchy; ordered deported to Sweden at Government expense October 2, 1918; deported October 31, 1918, as found advocating or teaching the unlawful destruction of property.

54379/235. Charles Spangberg. Arrested at Seattle April 6, 1918, on charge found advocating or teaching the unlawful destruction of property; ordered deported to Sweden October 2, 1918, at Government expense, and deported November 4, 1918, after an application for writ of habeas corpus had been denied.

54517/68. Adolph Errson. Arrested at Seattle October 23, 1918, on charge found advocating or teaching the unlawful destruction of property; ordered deported to Sweden at Government expense January 25, 1919; deported June 26, 1919.

54517/54. Donald McPherson. Arrested at Seattle September 9, 1918, on charge found advocating or teaching the unlawful destruction of property; writ of habeas corpus dismissed, and alien ordered deported to England at Government expense January 18, 1919; deported July 12, 1919.

54379/36. August Allman. Arrested at Seattle January 18, 1918, on charge found advocating or teaching the unlawful destruction of property; accepted repatriation September 25, 1919, before warrant of deportation to Germany issued.

54379/52. Paul Bussert. Arrested at Seattle December 16, 1918, on charge of being member of or affiliated with an organization that entertains belief in the overthrow by force or violence of the Government of the United States; accepted repatriation September 25, 1919, before warrant of deportation to Germany was served.

54379/64. Alfred Hoffman. Arrested at Seattle, January 23, 1918, on charge found advocating or teaching the unlawful destruction of property; accepted repatriation June 23, 1919, before warrant of deportation to Germany was served.

LIST OF ANARCHISTS FOR 1918.

- No. 54379/1. Charles Von Lens, criminal, New York.
- No. 54379/2. Donald Fraser, anarchist, Portland.
- No. 54379/3. Frederico Ricci, L. P. C. and anarchist, Boston.
- No. 54379/4. Jose Gomez, espionage, Philadelphia.
- No. 54379/5. Joe Martin, anarchist, Seattle.
- No. 54379/6. Serge Ferow, anarchist, Seattle.
- No. 54379/7. Sam Robinson, anarchist, Seattle.
- No. 54379/8. Gus Cashier, anarchist, Seattle.
- No. 54379/9. Oscar Johnson, L. P. C. and anarchist, Seattle.
- No. 54379/10. Joe Schneider, anarchist, Seattle.
- No. 54379/11. John Eder, anarchist, Seattle.
- No. 54379/12. Sol Ehrlick, anarchist, Seattle.
- No. 54379/13. Charles Emerson, anarchist, Seattle.
- No. 54379/14. James Anthony, anarchist, Seattle.
- No. 54379/15. Frank Sulak, anarchist, Seattle.
- No. 54379/17. Hyman Schuster, alleged I. W. W., Cleveland.
- No. 54379/18. John Morgan, anarchist, Seattle.
- No. 54379/19. Albert Beauchamp, anarchist, Seattle.
- No. 54379/20. Adolph Ader, anarchist, Seattle.
- No. 54379/21. Michael Ounpu, anarchist, Seattle.
- No. 54379/22. James Mullarkey, anarchist, Seattle.
- No. 54379/23. Edwin Flogaus, anarchist, Seattle.
- No. 54379/24. Angelo Dandrea, anarchist, Seattle.
- No. 54379/25. William Reitman, anarchist, Seattle.
- No. 54379/26. Andrew Gayak, anarchist, Seattle.
- No. 54379/27. Oscar Johnson, anarchist, Seattle.
- No. 54379/28. John Leivo, anarchist, Seattle.
- No. 54379/29. Gust Hansen, anarchist, Seattle.
- No. 54379/30. John Jussilainen, anarchist, Seattle.
- No. 54379/31. Tom Webber, anarchist, Seattle.
- No. 54379/32. Fred Melin, anarchist, Seattle.
- No. 54379/33. Otto Bergleind, anarchist, Seattle.
- No. 54379/34. Charles Keller, L. P. C. and I. W. W., Cleveland.
- No. 54379/35. Clara Alderton, anarchist, Seattle.
- No. 54379/36. August Allman, anarchist, Seattle.
- No. 54379/37. Isaac Beck, anarchist, Seattle.
- No. 54379/38. Lazar Evanoff, anarchist, Seattle.
- No. 54379/39. Gust Hillman, anarchist, Seattle.
- No. 54379/40. Charles W. Johnson, anarchist, Seattle.
- No. 54379/41. Anton Karfres, anarchist, Seattle.
- No. 54379/42. John Kershull, anarchist, Seattle.
- No. 54379/43. Albert R. Lewis, anarchist, Seattle.
- No. 54379/44. James Lund, anarchist, Seattle.
- No. 54379/45. Harold Moore, anarchist, Seattle.
- No. 54379/46. John Tady, anarchist, Seattle.
- No. 54379/47. Charles Gray, anarchist, Seattle.
- No. 54379/48. Lloyd Miller, anarchist, Seattle.
- No. 54379/49. William Alderton, anarchist, Seattle.
- No. 54379/50. Christ Johnson, anarchist, Seattle.
- No. 54379/51. Oscar Carlson, anarchist, Seattle.
- No. 54379/52. Paul Bussertt, anarchist, Seattle.
- No. 54379/53. August Bostrom, anarchist, Seattle.
- No. 54379/54. John Sheehan, anarchist, Seattle.
- No. 54379/55. Gottfried Julin, anarchist, Seattle.
- No. 54379/56. Jack Melling, anarchist, Seattle.
- No. 54379/57. Chris Stavlo, anarchist, Seattle.
- No. 54379/58. Mike Vassileff, anarchist, Seattle.
- No. 54379/59. Paul Cary, anarchist, Seattle.
- No. 54379/60. Max Shellberg, anarchist, Seattle.
- No. 54379/61. Fred Fisher, anarchist, Seattle.
- No. 54379/62. Frank Schneider, anarchist, Seattle.
- No. 54379/63. Frank Keskin, anarchist, Seattle.

- No. 54379/64. Alfred Hoffman, anarchist, Seattle.
- No. 54379/65. Albert Becker, anarchist, Seattle.
- No. 54379/66. Carl Swanson, anarchist, Seattle.
- No. 54379/67. Ed Anderson, anarchist, Seattle.
- No. 54379/68. Arthur J. Smith, anarchist, Seattle.
- No. 54379/69. Nicholis Shagai, anarchist, Seattle.
- No. 54379/70. James Simpson, anarchist, Seattle.
- No. 54379/71. Hectro Morris, anarchist, Seattle.
- No. 54379/72. Joe Comas, Chicago.
- No. 54379/73. Sam Savchuk, spy.
- No. 54379/74. W. E. Graham, anarchist, Seattle.
- No. 54379/75. Rudolf Tachahble, anarchist, Seattle.
- No. 54379/76. Jalmar Holm, anarchist, Seattle.
- No. 54379/77. Herman Johnson, anarchist, Seattle.
- No. 54379/78. Hugo Carlson, anarchist, Seattle.
- No. 54379/79. Andrew Olsen, anarchist, Seattle.
- No. 54379/80. Alfred Groener, anarchist, Seattle.
- No. 54379/81. James Rian, anarchist, Seattle.
- No. 54379/82. William Longfors, anarchist, Seattle.
- No. 54379/84. Karl Otto, A. C. I. M. T., San Francisco.
- No. 54379/85. Alexander Perttula, anarchist, Seattle.
- No. 54379/86. Charles Jackson, anarchist, Seattle.
- No. 54379/87. Sigurd Leveng, anarchist, Seattle.
- No. 54379/88. Albert Smith, anarchist, Seattle.
- No. 54379/89. James Orr, anarchist, Seattle.
- No. 54379/90. Pete Mundy, anarchist, Seattle.
- No. 54379/91. Stanislaw Bohaneke, anarchist, Seattle.
- No. 54379/92. Charles Flannagan, anarchist, Seattle.
- No. 54379/93. Edward Ekstron, anarchist, Seattle.
- No. 54379/94. Carl Carlson, anarchist, Seattle.
- No. 54379/96. Cjl Newman, anarchist, Seattle.
- No. 54379/97. William Trojoni, Harold Andreen, and Alie Johnsun, anarchists, San Francisco.
- No. 55379/100. Hirsch Linsky, anarchist, San Francisco.
- No. 54379/101. Kaziz Maskilunas, anarchist, San Francisco.
- No. 54379/102. Albin Leaf, anarchist, Seattle.
- No. 54379/103. Otto Schmidt, anarchist, Seattle.
- No. 54379/104. Gussippi Galliupo, anarchist, Chicago.
- No. 54379/107. Vitan Deloff, anarchist, Seattle.
- No. 54379/108. Arthur Common, anarchist, Seattle.
- No. 54379/109. John Duffy, anarchist, Seattle.
- No. 54379/110. Joseph Conrad, anarchist, Seattle.
- No. 54379/111. Henry Hermanson, anarchist, Seattle.
- No. 54379/112. John Osolin, anarchist, Seattle.
- No. 54379/113. Severin Mathiesen, anarchist, Seattle.
- No. 54379/114. Fritz Holm, anarchist, Seattle.
- No. 54379/115. Ralph Freeburg, anarchist, Seattle.
- No. 54379/116. Karl Sonntag, anarchist, Seattle.
- No. 54379/117. John Nelson or John Johnson, criminal, Minneapolis.
- No. 54379/122. Harry Reed, anarchist, Seattle.
- No. 54379/125. Paul Zygaloff, anarchist, Cleveland.
- No. 54379/126. Edgar Robinson, anarchist, Seattle.
- No. 54379/130. Nicola Petruccelli, antidraft, Cleveland.
- No. 54379/133. Melvin or Russell Graham, criminal, Jacksonville.
- No. 54379/134. Peter Williamson, anarchist, Seattle.
- No. 54379/173. Fred Alquist, anarchist, Seattle.
- No. 54379/176. Frederick Esmond, anarchist, San Francisco.
- No. 54379/181. Peter Harry Zibrands, anarchist, Seattle.
- No. 54379/182. John De Rousie, A. C. I. M. T., Seattle; also Charles Smith, P. C., Seattle.
- No. 54379/183. G. S. Ross, anarchist, Seattle; also Chas. De Angelli, criminal, Seattle.
- No. 54379/184. William Fitzgerald, anarchist, Seattle; same No., Alex Boggio, anarchist, Spokane.
- No. 54379/185. John Berg, anarchist, Seattle; also Andrea Gonzales, San Francisco.
- No. 54379/186. Frank Mihalik, anarchist, Seattle.
- No. 54379/192. Peter Perruchon, anarchist, Globe, Ariz.

- No. 54379/193. Tom Scott, anarchist, Spokane.
- No. 54379/194. Warner Strang, anarchist, Spokane.
- No. 54379/195. Michael Fitzwilliams, anarchist, Spokane.
- No. 54379/196. Henning Anderson, anarchist, Spokane.
- No. 54379/197. David E. Johnson, anarchist, Spokane.
- No. 54379/198. John Burke, anarchist, Spokane.
- No. 54379/199. Nels Madison, anarchist, Spokane.
- No. 54379/200. Henry Gavran, anarchist, Seattle.
- No. 54379/201. John Gordon, anarchist and pro-German.
- No. 54379/202. Samuel Brooks, anarchist, Seattle.
- No. 54379/203. Florrie Brooks, anarchist, Seattle.
- No. 54379/204. Sam Nelson, anarchist, Denver.
- No. 54379/205. Gus Lipkin, anarchist, Denver; Rec. w/Dtn new grds, 5/2/18.
- No. 54379/207. Vincent, Carella, anarchist, Spokane.
- No. 54379/209. Albert De Bary, alien enemy.
- No. 54379/226. Polikarp G. Cuizewski, anarchist, Chicago.
- No. 54379/235. Emery Sarrazin, anarchist, Spokane.
- No. 54379/236. Charles Spangberg, anarchist, Spokane.
- No. 54379/237. Carl Holmes, anarchist, Spokane.
- No. 54379/238. Charles Muki, anarchist, Spokane.
- No. 54379/239. Charles Johnson, anarchist, Spokane.
- No. 54379/240. Edward Berg, anarchist, Spokane.
- No. 54379/241. Lars Anderson, anarchist, Spokane.
- No. 54379/247. Joseph Hansen, anarchist, Seattle.
- No. 54379/248. Henry Gavran, anarchist, Seattle.
- No. 54379/249. Samuel Brooks, anarchist, Seattle.
- No. 54379/250. Florrie Brooks, anarchist, Seattle.
- No. 54379/252. Carl Grandstrom, anarchist, Seattle.
- No. 54379/270. Nicola Peeff, anarchist, Denver.

ALIEN MEMBERS OF I. W. W. PAROLED.

The CHAIRMAN. Mr. Blackwood, you were also requested to obtain data with reference to alien members of the I. W. W. organization who were paroled in different parts of the United States; we will hear from you regarding that phase of the question.

Mr. BLACKWOOD. Under the heading "Memorandum in re deferred cases in which aliens paroled for varying periods on their own recognition" there appears in the files of the Bureau of Immigration a very interesting document. This document consists of two pages of memorandum and a list of names of aliens paroled as above stated. The memorandum is worthy of special notice and should be digested carefully. Near the bottom of page 1 there is considerable comment with reference to decisions of courts in the State of Washington, the memorandum after commenting on the decisions of Judge Rudkin, states that Judge Neterer was following Judge Rudkin's decisions in cases arising in his district. The statements contained in the paragraph mentioned are erroneous and misleading and are not based on facts. Judge Neterer denied writs in practically all cases of I. W. W. members, his written opinion in the Bernat and Dixon cases set forth his attitude and judgment, which is decidedly in favor of the Government. (Decisions mentioned will appear elsewhere in this report and were furnished bureau promptly). The last paragraph of Judge Rudkin's decision in the Marhow case also shows the memorandum above mentioned to be misleading.

The first paragraph on the second page of said memorandum seems to indicate that the department did not wish a decision from the circuit court of appeals to the effect that aliens could be deported on account of membership in the I. W. W. organization.

The list of paroled members of that organization attached to the memorandum mentioned, is far from being a complete list of all the aliens paroled.

The documents mentioned read as follows:

MEMORANDUM IN RE DEFERRED CASES IN WHICH ALIENS WERE PAROLED FOR VARYING PERIODS ON THEIR OWN RECOGNIZANCE.

On December 2, 1918, the bureau presented to the department the following memorandum, which received the approval of the Secretary, concerning the cases of certain aliens arrested in the State of Washington on the ground that they had been found advocating or teaching the unlawful destruction of property:

During the past few weeks the bureau and department have disposed of almost 200 cases of aliens arrested under the immigration act of February 5, 1917, either upon the ground relating specifically to the anarchistic classes or upon the ground that the aliens have been found advocating or teaching the unlawful destruction of property.

The case of Carl Holmes is fairly illustrative of the cases in which the department has directed deportation when possible, the theory upon which the evidence has been discussed being set out in the bureau memorandum in said case, dated September 24. In some of the cases it was found that there was not sufficient evidence to justify either deportation or further inquiry or investigation; in those the warrants were canceled. In quite a few, while the evidence was not sufficient to justify immediate deportation, it was thought advisable to defer decision and parole the alien involved, either upon his personal recognizance or under Rule XVII-A (making provision for employment, retention of part of pay, etc.).

Writs of habeas corpus have been sued out in most of the cases arising in Washington. In five or six cases in which an attempt was made to secure writs at New York the court declined offhand to grant the writs. In the Washington cases, however, the disposition of the courts seems to be to release the aliens. Judge Rudkin, of the eastern district of Washington, rendered a written decision in the Holmes case (Carl Holmes, discharged from custody on habeas corpus proceedings). His oral decisions in a number of other cases are along the same lines (i. e., that the aliens were not shown to have personally advocated or taught by their own words and conduct the unlawful destruction of property), except that in several instances he has stated that he hesitated the less to sustain the writ because a law passed by Congress, and approved by the President on October 16, 1918, seems to afford the department ample ground for instituting new proceedings against the aliens (membership in or affiliation with an organization that advocates or teaches the unlawful destruction of property, etc.). Judge Neterer, of the western district of Washington, seems inclined, so the special assistant to the Attorney General at Seattle reports, to follow Judge Rudkin's decision. It seems apparent, therefore, that practically all of the aliens will secure their release through the courts, as apparently all are resorting to the courts that have either been ordered deported or been released on parole.

The question of appealing to the Circuit Court of Appeals has been discussed at some length with officials of the Department of Justice. There is some variety of opinion among these officials. The bureau at first was strongly of the opinion that appeal should be taken; but a possibility, to which its attention was but recently directed, has led it to entertain some doubt of the wisdom of appealing. That possibility is this: If the appeal is taken and Judge Rudkin's opinion affirmed, the Immigration Service will be no better off, but possibly worse off, than at present; on the other hand, if Judge Rudkin is overruled by the appellate court, it is pointed out by Assistant Attorney General Porter that there is a strong likelihood that the circuit court of appeals will hold in so overruling the lower court that aliens proceeded against under the old law on the ground that they have been advocating or teaching the unlawful destruction of property are subject to deportation if the evidence shows that they have been teaching or advocating same simply through and by virtue of membership in an organization, the I. W. W., that advocates and teaches that doctrine, and that this, in its final analysis, would amount to the doing of the very thing the department has been attempting to avoid—the deporting of the aliens because they belong to the I. W. W.

If the result of appealing would be either to force the department to institute new proceedings under the act of October 16, 1918, or to proceed with the deportation of the aliens under the old law upon the basis of a decision of the kind last above described, it would seem that the time, trouble, and expense of perfecting appeals in the numerous cases would be wasted. In other words, if the department is going to be forced eventually to handle the I. W. W. cases under the new law, it might as well handle them under that law immediately.

The bureau, therefore, suggesting, tentatively, that all of the cases be taken up again and the records separated into two classes, to wit, those showing the aliens to be active and dangerous advocates and teachers of the unlawful doctrine, and those showing the aliens to be, while members of the organization, rather inactive in connection therewith and not dangerous advocates or teachers; that for members of the first class warrants be issued under the new act, charging that they are members of an organization that advocates and teaches the unlawful destruction of property, and that with respect to the second class of records they be filed without further action.

It was accordingly determined that the following aliens should be released from custody as belonging to the second class named in the last paragraph quoted above. There cases were accordingly left open and they were as a rule paroled for one year, generally with the condition that they report periodically to the immigration office at Seattle concerning their whereabouts and occupation:

54379/108. Arthur Common.	54379/55. Gottfried Julin.
54379/109. John Duffy.	54379/41. Anton Kaeres.
54379/423. Gus Johnson.	54379/252. Carl August Grandstrom.
54379/424. Ed Aspelin.	54379/249. Samuel Brooks.
54379/422. Michel Brech.	54379/248. Henry Gavran.
54235/54. Emil Norby.	54379/247. Joseph Hansen.
54379/80. Alfred Groener.	54379/22. James Mullarkey.
54379/71. Hector Morris.	54379/20. Adolph Ader.
54379/79. Andrew Olsen.	54379/10. Joe Schneider.
54235/137. Frederico Cataline.	54379/37. Isaac Beck.
54379/15. Frank Sulak.	54379/27. Oscar Johnson.
54235/111. Arnold David Simonson.	54379/89. James Orr.
54235/117. Guiseppi Bertolotti.	54379/29. Gustav Hansen.
54379/418. Antonio Wolfe.	54379/77. Herman Johnson.
54379/462. William Butler.	54235/134. Enrico Guiditti.
54379/38. Lazaar Evanoff.	54379/81. James Ryan.
54379/235. Emery Sarrazin.	54379/60. Max Shellberg.
54379/238. Charles Maki.	54235/132. Giovanni Cavierno.
54379/122. Harry Reed.	54379/91. Stanislaw Bohanek.
54379/181. Peter Harry Zibrands.	54235/125. George Painich.
54379/173. Fred Alquist.	54235/123. Batiste Querio.
54235/97. Luigi Ercolini.	54235/119. Constantino D'Ascenco.
54235/118. Pietro Sandretto.	54235/131. Giovanni Morgando.
54235/130. Anton Walcovich.	54235/133. Antonio Pomota.
54235/104. Paul Malekovich.	54235/151. Umberto Rossi.
54379/414. James Johnson.	54379/21. Mike Ounpu.
54235/105. John Materiola.	54235/138. Ottavio Bonanni.
54379/419. John Strom.	54379/198. John Burke.
54235/113. Vincenzo Zaccagainsi.	54379/207. Vincent Carella.
54379/14. James Anthony.	54235/93. Pietro Belli.
54379/69. Nicholas Shagai.	54235/95. Titino Dentino.
54379/450. Eugene Belmont.	54379/463. Ernest Johnson.
54517/58. Theodore Freeman.	54379/65. Albert Becker.
54379/93. Edward Ekstrom.	54379/193. Tom Scott.
54379/94. Carl Carlson.	54379/194. Warner Strang.
54379/107. Vitan Deloff.	54379/195. Michael Fitzwilliams.
54379/26. Andrew Gayak.	54235/109. Achille Ricci.
54379/25. William Reitman.	54235/94. Steppen Chinevich.
54879/42. John Kershull.	54517/50. Bernard Linau.
54379/184. Alex. Boggio.	54235/100. Attilio Ghilardi.
54379/372. Nicola Palmiotti.	54235/101. Silvio Ghilardi.
54379/63. Frank Keskin.	54379/66. Carl Swanson.
54379/24. Angelo Dandrea.	54379/56. Jacob Jacobsen.
54379/35. Clara Alderton.	54379/58. Mike Vassileff.
54379/49. William Alderton.	54379/45. Harold Moore.
54235/148. Andrea Lazzari.	54379/47. Charles Gray.
54235/143. Emilio Ghelfi.	54379/46. John Tady.
54379/30. John Jussilainen.	54379/40. Charles Johnson.
54379/32. Fred Melin.	54379/39. August Hillman.

The following cases arising in various districts were also held open and the aliens released on parole pending final decision. As a general proposition, sufficient evidence to justify deportation was not at the time available.

St. Louis, Mo.:

54379/354. J. Gelmini.
54517/27. Joseph Bartoli.
54379/507. Angelo Rocco.

Montreal, Canada:

54379/426. Arthur Bartoli.

Cleveland, Ohio:

54649/271. Mike Chaykosky.

Boston, Mass.:

54379/327. Ettore Gianinni.
54379/311. Ernest R. Perrella.
54379/427. Martino Pulito.
54379/370. Fortunato Renzoni.
54379/356. Celso Galavotti.
54517/30. Arturo Nicolai.
54379/364. Giuseppe Sardi.
54379/371. Giuseppe Ramella.

Boston, Mass.—Continued.

54379/380. Venanzio Maio.
54379/362. Domenico Pandolfi.

Pittsburgh, Pa.:

54616/92. Carmello Mortorrio.
54235/79. Milan Jurisio.

New York, N. Y.:

54379/346. Luigi Beduschi.

San Francisco, Calif.:

54616/6. Mendoza L. Schwertfeger.
54616/26. Julius Weinberg.
54616/101. Hubert John Levey.

Chicago, Ill.:

54517/41. Frank Carnavale.

El Paso, Tex.:

54379/391. Giglio Fiorini.

DECISION OF JUDGE NETERER IN CASE OF DIXON AND BARNAT.

The decision of Federal Judge Neterer in case of Samuel H. Dixon and Charles Bernat, which is very important in connection with the I. W. W. organization, a copy of which is on file in the Bureau of Immigration, reads as follows:

NOTE.—Dixon was deported. Bernat released after having been transferred to Ellis Island. His whereabouts is unknown.

[United States District Court, Western District of Washington, Northern Division.]

In the matter of the application of Samuel H. Dixon, for writ of habeas corpus. Filed December 17, 1918.

In the matter of the application of Charles Bernat, for writ of habeas corpus. Filed December 17, 1918.

Hinman D. Folsom, jr., attorney for Government.

Ralph S. Pierce and Geo. F. Vanderveer, attorneys for defendants.

Neterer, district judge:

These cases were submitted to the court together. The issue is identical. The facts are similar, but of different emphasis. The cases will be disposed of together.

Each petitioner is ordered deported upon the ground "that he has been found advocating and teaching the unlawful destruction of property."

Dixon is a subject of England; Bernat is a subject of Russia.

Each petitioner seeks release on the ground that he has been denied a fair hearing; that there is no evidence to support the charge against him; and that the order of deportation is arbitrary, and unsupported by facts or law.

If the alien has been accorded a fair, though summary hearing, and the finding is supported by competent testimony, however slight, the court may not interfere.

From an examination of the testimony, in the light of this rule, we find, after some testimony as to membership in the I. W. W. organization, the following questions and answers appear in Dixon's testimony:

"Q. Being a member that long, and being a delegate and taking an active part in the order, you actually believe in the teachings as advocated by the I. W. W.?—A. I do.

"Q. You have read their preamble and constitution?—A. Yes.

"Q. You believe in the teachings advocated in that?—A. I do.

"Q. Are you familiar with the I. W. W. Song Book?—A. Yes.

"Q. Do you believe in the teachings indicated in that book?—A. Yes; most of them, I do. There are some I haven't seen, but what I have seen I believe."

As to reading I. W. W. literature, he was asked:

"Q. 'The I. W. W.: Its History, Structure, and Methods,' by St. John?—A. I have read that.

"Q. Believe in the teachings as advocated in that book?—A. Yes.

"Q. Have you read the Industrial Worker?—A. Yes.

"Q. Believe in the teachings advocated in that paper?—A. Yes; I do.

*

*

*

*

*

*

*

"Q. Now, you have been collecting for the defense fund, you have been a delegate quite a number of times, you have solicited members, sold the Industrial Worker, and distributed other I. W. W. literature?—A. Yes.

"Q. And, in any way you possibly could, secured new members for the order?—A. Yes; I have.

"Q. How many times have you been arrested?—A. I have been arrested several times lately in the I. W. W. troubles.

* * * * *

"Q. Your I. W. W. cards, your delegate credentials, and this other literature mentioned in your hearing, together with any other I. W. W. literature which we may deem to have a bearing in your case, will be introduced and made exhibits in your hearing?—A. Yes."

This is the general trend of the testimony with relation to the teachings of the I. W. W. as disclosed by the literature, and, I think establishes the fact that he is in full sympathy with the propaganda and practices as disclosed by the literature, and has distributed such literature.

The doctrine and practices of the order, as disclosed by the attached literature, may be indicated by short excerpts from *The I. W. W.: Its History, Structure, and Methods*, by Vincent St. John and others.

"As a revolutionary organization, the Industrial Workers of the World aims to use any and all tactics that will get the results sought, with the least expenditure of time and energy. The tactics used are determined solely by the power of the organization to make good in their use. The question of 'right' and 'wrong' does not concern us, * * *.

"Failing to force concessions from the employers by the strike, work is resumed and sabotage is used to force the employers to concede to the demands of the workers."

Sabotage is defined by several I. W. W. writers.

The New Unionism, by Andre Tridon: "We may distinguish three forms of sabotage.

(1) Active sabotage which consists in the damaging of goods or machinery. (2) Obstructionism or passive sabotage which consists in carrying out orders literally, regardless of consequences."

The Voix du Peuple: "The first thing to do before going out on strike is to cripple all the machinery. * * * Are bakery workers planning to go on strike? Let them pour in the ovens a few pints of petroleum or of any other greasy or pungent matter. After that soldiers or scabs may come and bake bread. The smell will not come out of the tiles for three months. Is a strike in sight in steel mills? Pour sand or emery into the oil cups."

Sabotage, by Emile Pouget: "If the workers disable the machines, it is neither for a whim nor for dilettantism or evil mind, but solely in obedience to an imperious necessity. To list out the thousand of methods and ways of sabotage would be an endless rosary. The shoe workers have an infinite variety of tricks. So have the bakers. To the timber workers it can not be difficult to use the ax so that the tree or log is split in all its length. To the painters also it must be easy to dilute or condense their colors as best they see fit."

Sabotage: Its History, Philosophy, and Function, by Walker C. Smith: "Sabotage is a direct application of the idea that property has no rights that its creators are bound to respect. * * * The question is not, Is Sabotage Immoral? but, Does Sabotage get the goods? * * * A bar of soap in the boiler would keep the soldiers at home or else force them to march to the strike. If this were not possible, there are water tanks where the tender must be filled and the saboteur can 'Let the Gold Dust Twins do the work.' * * * Sabotage is discredited by those who believe in property rights. It is the weapon of those who no longer reverence the thing that fetters them. Its advocacy and use helps to destroy the 'property illusion.' The parasites who have property, oppose sabotage, while the producers who have poverty, are commencing to yield that potent weapon."

Excerpts from *Industrial Workers of the World*: "The I. W. W. opposes the institution of the State. What is this sabotage that so worries politicians, preachers, profit-grabbers, and parasites generally? It is a realization on the part of the working class that property has no rights that its creator is bound to respect. It means that the workers know that might makes right and that they are possessed of a tremendous might in the productive process. It means that they are conscious of the fact that any action which weakens the employer and strengthens the worker is justified. * * * A slashed warp, a loosened bolt, an uncaught thread, a shifting of dyes, will make Billy Wood see the 'justice' of the men's demands quicker than all the votes cast since Billy Bryan commenced to run for office. Sabotage is an individual act performed for a class purpose. It may be denounced as 'anarchy' but that scares no workers in these rebellious days. * * * These migratory workers have lost all patriotism—and rightly so. Love of country? They have no country. Love of flag? None floats for them."

One of the songs attached as an exhibit:

CHRISTIANS AT WAR.

By John F. Kendrick. Tune: Onward Christian Soldiers.

"Onward Christian soldiers. Duty's way is plain;
Slay your Christian neighbors, or by them be slain,
Pulpiteers are spouting effervescent swill,
God above is calling you to rob and rape and kill,
All your acts are sanctified by the Lamb on high;
If you love the Holy Ghost, go murder, pray, and die.
"Onward Christian soldiers, rip and tear and smite;
Let the gentle Jesus bless your dynamite.
Splinter skulls with shrapnel, fertilize the sod;
Folks who do not speak your tongue, deserve the curse of God.
Smash the doors of every home, pretty maidens seize,
Use your might and sacred right to treat them as you please.
"Onward Christian soldiers. Eat and drink you fill;
Rob with bloody fingers, Christ O. K.'s the bill.
Steal the farmer's savings, take their grain and meat;
Even though the children starve, the Savior's bums must eat.
Burn the peasant's cottages, orphans leave bereft;
In Jehovah's holy name, wreak ruin right and left.
"Onward Christian soldiers. Drench the land with gore;
Mercy is a weakness all the gods abhor,
Bayonet the babies, jab the mothers too;
Hoist the cross of Calvary to hallow all you do;
File your bullets' noses flat, poison every well;
God decrees your enemies must all go plumb to hell.
"Onward Christian soldiers! Blighting all you meet,
Trampling human freedom under pious feet
Praise the Lord whose dollar sign dupes his favored race,
Make the foreign trash respect your bullion brand of grace.
Trust in mock salvation, serve as pirates' tools;
History will say of you: 'That pack of G—— d—— fools.'"

The literature attached to the record is replete with the advocacy of sentiment as above set forth.

To teach, as defined by the Standard Dictionary, is "to impart knowledge by means of lessons; to give instruction in; communicating knowledge; introducing into or impressing upon the mind as truth or information."

To advocate means, according to the same authority, "To speak in favor of; defend by argument; one who espouses, defends, or vindicates any cause by argument; a pleader, upholder, as an advocate of the oppressed."

There are several ways by which a person may teach or advocate. It need not be from the public platform or through personal utterance to individuals or groups, but may be done as well through written communications, personal direction, through the public press, or through any means by which information may be disseminated, or, it may be done by the adoption of sentiment expressed, or arguments made by others which are distributed to others for their adoption and guidance.

The testimony shows that Bernat has been a member of the I. W. W. for the last 10 years, and secretary of Branch No. 500, Seattle, for sometime. His duties as such secretary were to distribute literature, collect dues, handle accounts, and solicit new members. From activity, as disclosed in the record, the court can not say there is no evidence upon which to predicate the finding of the commissioner general in each case; and it would appear that the conclusion of the commissioner general, based upon the facts stated, is within the purpose and intent of the Congress in enacting section 19 of the act of June 5, 1917 (United States Statute 4289½ J. J.), and this is emphasized by the passage of the act approved October 16, 1918, entitled "An Act to exclude and expel from the United States aliens who are members of the anarchistic or similar classes."

The matter is not before the court for review, but merely to determine whether there is any evidence upon which to base the finding. Under the law, the conclusion of the Department of Labor, if there is any evidence, is final.

The application for writ will be denied in each case.

NETTERER, Judge.

DECISION OF JUDGE RUDKIN IN CASE OF MARHOW.

The decision of Federal Judge Rudkin in case of Golf S. Marhow, is also material. Special attention invited to last paragraph as same has bearing on act of October 16, 1918, with reference to I. W. W. The decision reads as follows:

[In the District Court of the United States for the Eastern District of Washington, Northern Division.]

OPINION.

In the matter of the application of Golf S. Marhow for writ of habeas corpus.

George F. Vanderveer and Albert Streiff, for petitioner.

Francis A. Garrecht, United States attorney, and Charles H. Leavy, assistant United States attorney, for respondent.

Rudkin, district judge:

Section 3 of the immigration act of February 5, 1917, provides that the following classes of aliens, among others, shall be excluded from admission into the United States:

Anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials, or who advocate or teach the unlawful destruction of property; persons who are members of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocate or teach the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or who advocate or teach the unlawful destruction of property; persons likely to become a public charge.

Section 19 of the same act provides that at any time within five years after entry, any alien who at the time of entry was a member of one or more of the classes excluded by law; any alien who shall have entered or who shall be found in the United States in violation of this act, or in violation of any other law of the United States; any alien who at any time after entry shall be found advocating or teaching the unlawful destruction of property, or advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law, or the assassination of public officials; any alien who within five years after entry becomes a public charge from causes not affirmatively shown to have arisen subsequent to landing, shall be subject to deportation.

On the 13th day of July, 1917, the Assistant Secretary of Labor issued his warrant, reciting that the petitioner has been found advocating or teaching the unlawful destruction of property, or advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law, or the assassination of public officials, subsequent to his entry into the United States; that he was an anarchist or person who believed in or advocated the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieved in or was opposed to organized government, or who advocated the assassination of public officials at the time of his entry; that he was a person likely to become a public charge at the time of his entry; and that he entered without inspection; and commanding the immigrant inspector to whom the warrant was directed to take the petitioner into his custody and grant him a hearing to enable him to show cause why he should not be deported in conformity to law.

Pursuant to this warrant the petitioner was taken into custody and granted a hearing as directed. Upon such hearing the immigrant inspector recommended his deportation. To use his own language:

"The admission of G. S. Marhow that he is a member of the Industrial Workers of the World, that he is an organizer and delegate of that organization and is employed to teach the tenets of the order as issued in the I. W. W. constitution which establishes the authenticity of the doctrines published in pamphlets on which is printed the label without an inscription underneath; I therefore respectfully recommend that a deportation warrant be issued and that the alien G. S. Marhow be ordered deported to the country from which he came, and of which he is a subject."

Acting upon this report the Commissioner General of Immigration found that the two first charges against the petitioner were not sustained, but that the charge that he was likely to become a public charge was sustained, and his deportation was accord-

ingly recommended. Upon this report a deportation warrant issued reciting that the petitioner was a person likely to become a public charge at the time of his entry into the United States and directing his deportation to Bulgaria, the country whence he came. Thereupon the petitioner sued out a writ habeas corpus claiming, among other things, that there was no testimony whatever before the department tending to support the finding thus made.

It seems to me that this contention must be upheld. It is apparent from a reading of the entire record that the examination by the immigrant inspector was not conducted with a view of ascertaining or determining whether the petitioner was likely to become a public charge. It appears from the testimony that the alien worked his passage from Germany to the United States in the early part of the year 1913 on the steamer *Guffa* and deserted upon the arrival of the steamer in New York, entering the United States without inspection. The testimony further shows that he was possessed of \$15 at that time and was of the age of about 30 years, but beyond this is entirely silent as to his physical condition or his ability or disposition to earn a livelihood. He remained in New York City for about two weeks, went thence to West Virginia and remained for about two months, thence to Pennsylvania and remained for about six months and thence to Chicago and remained for about one and one-half years. What he did during this period we do not know, but there is not the slightest testimony that he became a public charge. After leaving Chicago he went to Milwaukee and worked for the Chicago, Milwaukee & St. Paul Railroad Company, but for how long and for what compensation we do not know. We next hear of him as an organizer for the I. W. W. in the State of Idaho about eight months before his arrest, at a salary of \$18 per week and expenses.

Section 19 of the immigration act, as already stated, provides that " * * * any alien who within five years after entry becomes a public charge from causes not affirmatively shown to have arisen subsequent to landing" is subject to deportation. And if it appeared from this record that the petitioner at any time became a public charge within five years after entry he would be subject to deportation because it has not been affirmatively shown that this cause arose subsequent to his landing. But there is no testimony to warrant a finding that the petitioner at any time became a public charge in the United States, as I understand that term, unless the mere fact that he was confined in jail at Moscow, Idaho, awaiting trial for a public offense would render him a public charge. To so hold would do violence to another provision of the statute which declares an alien is subject to deportation who has been sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude committed within five years after his entry into the United States. For if the alien is not subject to deportation for imprisonment unless imprisoned for one year or more for a crime involving moral turpitude it would be entirely inconsistent to hold that he becomes a public charge and is subject to deportation under another provision of the statute when only confined at public expense awaiting trial for a criminal offense. As said by Judge Ward in *Ex Parte Saraceno*, 182 Fed., 955:

"If there was any evidence competent or otherwise to sustain this finding, the court, though of a different opinion, should not disturb it. But it is impossible to avoid the conclusion that the real ground for the order is that the immigration authorities think the alien an undesirable citizen, which is a class not excluded by the immigration law."

Again the court said:

"While the powers intrusted to the immigration authorities are very great and important and should not be restricted by the courts, it is easy to see that upon the reasoning of the board in this case almost any immigrant might be deported."

I reach this conclusion with the less hesitation because it occurs to me that the case is completely covered by a later statute, namely, the act of October 16, 1918. The writ of habeas corpus will therefore issue as prayed and upon the return the petitioner will be discharged: *Provided, however*, That the order of discharge shall not take effect until the close of November 30 next to enable the Government to prosecute an appeal or take steps for the deportation of the petitioner under the statute referred to if so advised. If no appeal is prosecuted, or if no proceedings are taken for the deportation of the petitioner prior to the date named, he will be discharged from custody. If either step is taken the court will make such further order as may be appropriate in the premises.

DECISION OF JUDGE WOLVERTON IN CASE OF CARL SWELGIN.

The decision of Federal Judge Wolverton in case of Carl Swelgin is very material in connection with I. W. W. organization. This is also on file in Bureau of Immigration, and reads as follows:

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF OREGON.

United States of America, complainant, v. Carl Swelgin, defendant.

Bert E. Haney, United States attorney, Robert R. Rankin, assistant United States attorney.

C. H. Libby for defendant.

Wolverton, district judge:

This is a suit to vacate and annul a certificate of naturalization. The defendant Carl Swelgin is a native of Germany. On January 3, 1913, he filed a petition in the Circuit Court of the State of Oregon for the county of Coos, praying for his naturalization as a citizen of the United States. On April 25, 1913, an order of the court was made and entered admitting him as a citizen, and on May 27 a certificate of admission was issued by the clerk of the court.

The bill for vacation of the certificate alleges that upon the dates named, and during the five-year period immediately preceding the date of the filing of said petition for naturalization, "the said defendant Carl Swelgin was not, has not been, and is not now attached to the principles of the Constitution of the United States, nor is the said defendant well disposed to the good order and happiness of the same, nor is said defendant of good moral character, and that said defendant has been since the year 1911, and now is, a member of the organization known and entitled "Industrial Workers of the World," which organization is more commonly known as and called the "I. W. W."; that defendant has been an organizer in said organization, and that said organization has advocated and does advocate resistance to the existing governmental authority of the United States, and the complete control and ownership of all property in the United States through the abolition of all other classes of society, and that such purposes of said organization are to be accomplished without regard for right or wrong but by the use of such unlawful means and methods known as "sabotage" and "direct action." Then the preamble is set out, which I will not read. It is then further alleged that defendant's certificate of naturalization was procured by deception and fraud practiced upon the court, consisting of false representations and concealment of facts, by which the court was misled and imposed upon, and induced to make and render its order and judgment directing the issuance of said certificate of naturalization.

The proofs show, and the defendant admits, that he became a member of the organization known as the Industrial Workers of the World in December, 1911, and was such member at the time he was admitted as a citizen of the United States, and ever since has been a member thereof. I should qualify that, because the witness has said that there was a time following August, 1913, for a period of two or three years that he was not a member; but he thereafter did become a member, and has continued such ever since. Not only this, but he has been active in the order. Not only this, but he has been active in the order in promoting its propaganda and furthering the cause that the order espouses. He asserts his firm belief in the principles enunciated by the preamble and constitution of the order, and admits that he is in full sympathy with the propaganda and practices thereof. Among other things, he indorses the sabotage recently practiced upon the timber and lumber industries in the Northwest, and when asked if he was willing to join the military forces of this country against Germany, he answered in effect that he entertained conscientious scruples against entering the Army. He further states that the views he entertained respecting these subjects at the time and previous to his naturalization were the same as he now holds and adheres to. So that it appears that his attitude of mind then respecting the principles and practices of the order of the Industrial Workers of the World was the same as his attitude now, to which he firmly adheres.

No further evidence is necessary for establishing his purposes and designs as it relates to organized government and the peace and tranquility of society, and we have only to inquire touching the doctrine and principles of the organization, whether they are promotive of or inimical to the maintenance and stability of organized government, and whether they are calculated to promote peace and good order in society, or whether they are adapted by design to the demoralization and degradation thereof.

I should say in this connection that the defendant has said that he indorses the preamble and constitution of this organization, and that further than that he is not acquainted with its principles and purposes; but, having actively engaged in the organi-

zation, and having been actively engaged in the furtherance of the cause in which the organization is embarked, taking into consideration his intelligence, there can be no question in the mind of the court that he was thoroughly acquainted with all its principles and propaganda. Let us therefore recount some of the doctrines, principles, and practices of the order. The preamble makes this enunciation:

"Between these two classes (the working class and the employing class) a struggle must go on until the workers of the world organize as a class, take possession of the earth and the machinery of production, and abolish the wage system."

The pledge is in these words:

"I do solemnly pledge my word and honor that I will obey the constitution, rules, and regulations of the Industrial Workers of the World, and that, keeping always in view its fundamental principles and final aims, I will, to the best of my ability, perform the task assigned to me. I believe in and understand the two sentences: 'The working class and the employing class have nothing in common,' and 'Labor is entitled to all it produces.'"

The tactics or methods of the I. W. W. are given by Vincent St. John, an adherent of the cause. I read only slight excerpts:

"As a revolutionary organization the Industrial Workers of the World aims to use any and all tactics that will get the results sought with the least expenditure of time and energy. The tactics used are determined solely by the power of the organization to make good in their use. The question of 'right' and 'wrong' does not concern us.

"It aims, where strikes are used, to paralyze all branches of the industry involved, when the employers can least afford a cessation of work—during the busy season and when there are rush orders to be filled.

"Failing to force concessions from the employers by the strike, work is resumed and 'sabotage' is used to force the employer to concede the demands of the workers.

"All supplies are cut off from strike bound shops. All shipments are refused or missed, delayed, and lost if possible. Interference by the Government is resented by open violation of the Government's orders, going to jail en masse, causing expenses to the taxpayers—which are but another name for the employing class.

"In short, the I. W. W. advocates the use of militant 'direct-action' tactics to the full extent of our power to make good."

Sabotage is defined by its authors and adherents to be: "Any conscious and willful act on the part of one or more workers intended to slacken and reduce the output of production in the industrial field, or to restrict trade and reduce the profits in the commercial field, in order to secure from their employers better conditions or to enforce those promised or maintain those already prevailing, when no other way of redress is open.

"(b) Any skillful operation on the machinery of production intended not to destroy it or permanently render it defective, but only to temporarily disable it and to put it out of running condition in order to make impossible the work of scabs and thus to secure the complete and real stoppage of work during a strike."

And again:

"Sabotage means either to slacken up and interfere with the quantity, or to botch in your skill and interfere with the quality of capitalist production or to give poor service. Sabotage is not physical violence; sabotage is an internal, industrial process. It is something that is fought out within the four walls of the shop. And these three forms of sabotage—to affect the quality, the quantity, and the service—are aimed at affecting the profit of the employer. Sabotage is a means of striking at the employer's profit for the purpose of forcing him into granting certain conditions, even as working-men strike for the same purpose of coercing him. It is simply another form of coercion.

I read from a pamphlet entitled, "On the Firing Line:"

"The program of the I. W. W. offers the only possible solution of the wage question whereby violence can be avoided, or at the very worst, reduced to a minimum. To all opponents of the organization, wherever found, we desire to state that this organization will to the best of its power and ability bend every effort toward making that program effective. We also desire to serve notice upon the ruling class and all its defenders that whatever form the struggle may take, we are determined to continue, in spite of all odds, until victory has been achieved by the working class. If the ruling class of to-day decide as its prototypes of the past have decided, that violence will be the arbiter of the question, then we will cheerfully accept their decision and meet them to the best of our ability, and we do not fear the result.

"The Industrial Workers of the World is without doubt the most revolutionary body in the world to-day.

"Being propertyless and landless they have no patriotism nor reason for patriotism.

"The abolition of the wage system and the creation of a new social order is its ideal. For this ideal the members will suffer hunger, brave the blacklist, rot in the bastille,

and fight—ever fight, for the freedom that awaits them when the rest of the workers awaken.

"To it has come the knowledge that justice, liberty, rights, etc., are but empty words, and power alone is real. Refusing to even try to delegate its power, it stands committed to the policy of direct action.

"It strives to have the workers realize the tremendous power tied up in their muscle and mind—a power that represents the measure of the masters' weakness. The workers are asked to withhold their labor power, to refuse to apply it to the machine, or to apply it so that the machine does not function properly, and thus defeat the masters.

"They (the workers) will seize and hold the machinery of production and distribution and operate it in their own interests."

Again, from a pamphlet entitled "Why Strikes Are Lost":

"Thus organized the workers will use all means that may be at their command in their battle for control. Strikes, irritation strikes, passive resistance strikes, boycott, sabotage, political action, and general strikes in industrial plants, will all be means applied with precision, and changed whenever conditions so dictate."

The "social general strike," to which the order is committed, is thus defined:

"The profoundest conception of the general strike, however, the one pointing to a thorough change of the present system; a social revolution of the world; an entire new organization; a demolition of the entire old system of all governments—is the one existing among the proletarians of the Roman race (Spain and Italy). For them the general strike is nothing less than an introduction to the social revolution. Therefore we call this the general strike, to distinguish it from general strikes for higher wages, or for political privileges (political mass strikes) 'The social general strike.' This conception of the general strike will be dealt with in this treatise.

"It is therefore not of such great importance for the propagandists and followers of the general strike theory (as for instance the Spanish and French workers understand it) to get all the workers to lay down their tools at the same time, as it is to completely interrupt production in the whole country, and stop communication and consumption for the ruling classes, and that for a time long enough to totally disorganize the capitalistic society; so that after the complete annihilation of the old system, the working people can take possession through its labor unions of all the means of production, mines, houses, the land; in short, of all the economic factories."

This pamphlet then deals with divers subjects, illustrating the application of the doctrines, and culminates with this climax:

"With a free society without class rule and exploitation, a society of free cooperation, we have that which corresponds with the absence of government, 'Anarchism.'"

I read a stanza which purports to be one of the songs of the order. It is styled "The Red Flag."

"The people's flag is deepest red,
It shrouded oft our martyred dead,
And ere their limbs grew stiff and cold
Their life-blood dyed its every fold.

CHORUS.

"Then raise the scarlet standard high;
Beneath its folds we'll live and die;
Though cowards flinch and traitors sneer,
We'll keep the red flag flying here."

The Lumber Jack, a publication of the order, in an editorial exclaims: "The 'Red Flag,' and sing it always to the courts while the people stare and wonder."

In this relation it may be stated that the doctrine of the order carries its adherents to a disregard of and a resistance to the orders and judgments of the courts, through organized protest and calumny, and violence if need be, to accomplish their purposes.

I read further a few extracts from the Industrial Worker, published at Spokane, Wash. This is the issue of April 4, 1912, and the excerpt is found in column 2, page 2, of that issue. It is an editorial under the title, "Our labor problem":

"We accept what benefits us from the socialist propaganda, we accept that portion of anarchist action that is of value, and we retain that which experience proves to be an aid in the class struggle."

In the issue of May 8 it is declared:

"The I. W. W. opposes the institution of the state. It holds that state or governmental control of industry would merely introduce a different form of slavery. Government implies governors and governed, a ruling and a subject class. No man is great enough or good enough to rule another.

"The I. W. W. is creating its own ideas of morality and ethical conduct, as opposed to the current conceptions of what constitutes 'right' and 'wrong.'"

I have read only a very meager number of these excerpts which have been introduced in evidence, but they serve to illustrate the principles and practices of the order. They are thoroughly indorsed evidently by the adherents of the order and by those who seem to be able to expound its doctrines. Other expressions may be found, such as these:

"Toward the existence of government the I. W. W. is openly hostile.

"It is antipatriotic.

"The kernel of evil lies in the very existence of the state, and violence is an economic factor."

No one can read these pamphlets and pronunciamentos of the order without concluding, by fair and impartial deduction, that it is not only ultrasocialistic but anarchistic. It is really opposed to all forms of government. It advocates lawlessness, and constructs its own morals, which are not in accord with those of well-ordered society. Its adherents are antipatriotic. They own no allegiance to any organized government. And I am unable to understand by what right such of them as come from another country can claim that they are entitled to be admitted to citizenship under the Stars and Stripes. The very oath they take avowing their allegiance to this Government is to them a worthless ceremony, for they do not intend to submit themselves to its Constitution, laws, rules, and regulations, nor to defend it in time of insurrection, or against an aggression from abroad, or when it is at war with other nations.

When, therefore, the defendant declared that he was attached to the principles of the Constitution of the United States, and was well disposed to the good order and happiness of the same, he made avowal of that which was not in his heart, and thereby deceived the court. And, further, he was a disbeliever in and opposed to organized government, and he fraudulently misled the court as to that.

So that Government's case is clear that defendant's certificate of naturalization was procured by fraud and deception imposed upon the court which directed its issuance, and the annulment of the certificate must follow.

CONFERENCE OF OFFICIALS ON POLICY AS TO RUSSIAN WORKERS AND I. W. W.

The CHAIRMAN. What other data have you prepared with reference to the deportation of alien members of the I. W. W. organization?

Mr. BLACKWOOD. A document, unsigned, dated July 26, 1918, which would seem to be a memorandum of the Bureau of Immigration, setting forth its idea with reference to the I. W. W. organization appears in Bureau file 54235/36-B. This document reads as follows:

JULY 26, 1918.

A conference was held on this date, attended by Mr. Abercrombie, Mr. Caminetti, Mr. Parker, Mr. Solomon, and Mr. McClelland, at which was discussed the policies concerning the disposition of cases of alien anarchists, some of whom are Italian anarchists and others Industrial Workers of the World and Russian Union Workers, now pending before the department, and the following points were agreed upon:

(1) That membership in the order of the Russian Union Workers, whose constitution and policies are distinctly anarchistic, is sufficient to justify deportation.

(2) That the policy concerning the disposition of such of the Russian Union Workers as are ordered deported to Russia shall be placed before the Secretary for advice and instructions.

(3) That membership in the I. W. W. together with evidence of knowledge on the part of the alien as to the nature of the propaganda and aims of the organization, as contained in its official literature, sympathy with and approval of such propaganda and aims, financial support by purchasing such literature or through paying membership dues into the general fund of the organization, to which fund the expense of publishing such literature is charged, voluntary contributions to the general defense fund for the members of the I. W. W. now under arrest or indictment, or in prison, and active support by distributing literature or acting as a delegate or organizer, and soliciting membership, collecting and transmitting dues, etc., shall be considered good grounds for deportation on the charge of advocating and teaching the unlawful destruction of property.

(4) That all members of the I. W. W. who are ordered deported to neutral countries shall be removed from the United States as soon as possible or practicable; that, in

the case of those going to Russia, the question shall be presented to the Secretary for advice and instruction; that, in the case of those to be deported to allied countries, the matter shall be taken up with the proper representative of such countries; that, where deportation is not possible for an indefinite period because of war conditions, members of the I. W. W. whose activities have been of a nature to warrant such action and who may be considered as dangerous to be at large may be detained; that, in less pernicious cases, where bond can not be furnished, the alien be released under the provisions of rule 17-A (see Bureau Circular of June 29); that, in those cases where deportation is hardly justified by the record, yet where a certain amount of evidence exists, the alien is to be paroled upon his own recognizance for a period of one year, he to report to the nearest immigration officer at regular intervals of three months.

(5) That, in the cases of Italian anarchists, evidence of their continued subscription to the Cronaca Sovversiva, the leading anarchist newspaper in the United States, writing articles for publication in this paper, taking subscriptions for it and transmitting the proceeds to the publishers, acting as distributing agents, receipting for bundles of the paper sent by express after it was denied the use of the mails, contributing to or soliciting and remitting money for the anarchist defense fund, and otherwise by their acts as well as by their words assisting in the spreading of the anarchist propaganda, shall be considered good grounds for deportation on the charge of advocating and teaching anarchy in the United States.

(6) That such of these Italian anarchists as are ordered deported shall be removed from the country to Italy as soon as possible or practicable, but that before such removal the matter shall be taken up with the proper Italian authorities; that, until deportation is effected, the aliens may be released under a proper bond, except in the milder cases they may be released upon their own recognizance under the terms of rule 17-A (see Bureau Circular of June 29, 1918); that, in those cases where the evidence is hardly sufficient to justify deportation, the aliens may be paroled on the same conditions as members of the I. W. W.

PROTEST OF SEATTLE COMMISSIONER.

Also documents appearing in bureau file 54235/36-D., and pertaining to the I. W. W. organization containing protest from the Commissioner of Immigration at Seattle regarding release of members of that organization on parole, a report of conditions immediately after the Centralia outrage, bureau memorandum on that subject for the assistant secretary and the latter's final instructions. These documents speak for themselves, and read as follows:

[Telegram.]

SEATTLE, WASH., November 13, 1918.

IMMIGRATION BUREAU,
Washington.

Your telegram November 13 regarding parole of 13 I. W. W., Spokane jail, received. In order that you may be in possession of the latest developments I think it advisable to withhold action under your telegram until further advised. I do not want you to construe this telegram as a desire on my part to refrain from complying strictly with your instructions, but believe it best to acquaint you with the facts and will await your further instructions before complying with your directions of the 13th. The I. W. W. organization recently held secret meetings in Portland, delegates attending from principal cities in United States as far east as Lynn, Mass. Delegates to this convention included representatives of radicals in mining industry, lumber industry, and shipbuilding industry, together with representatives of the Bolshevik movement of Servia and Russia. The principal object of the meeting was to bring about a movement for the liberation of Mooney and all I. W. W. prisoners held by the different departments of the Government. The plan outlined was to work through the I. W. W. members for the metal trades council and cause a strike in the shipyards in Seattle over the recent Macy award, have this strike extend to the longshoremen of Puget Sound and from that to the lumber industry and a sympathetic strike thus extending through the entire industrial movement of the Pacific coast, then extend the movement eastward, covering the entire United States. Recently placards have been posted upon the immigration building in Seattle printed in red ink. "Liberate all political prisoners now" and in quotation the word "now" is underscored. Bulletin issued by I. W. W. to-day calling upon all organizers and

delegates to get busy. Comments upon revolution in Germany. Fred Heggs of Chicago now in Northwest organizing for general strike. Heggs claims he can have 40,000 men out before Thanksgiving Day. Maj. House, Portland, states he has learned that at I. W. W. meeting held in Portland, they decided to call general strike December 1, demanding in lumber industry six hours work per day and \$5 pay, also that all members held by Government be released. The radical slackers in the shipyards of Seattle have declared that the war is over, and several hundred of them have quit the shipyards. Members of the International Longshoremens Association in Seattle have refused to work on several ships and have openly stated that they would disregard any working agreement made by their executive officers. In view of the facts stated we should desire to know if it is still your opinion that the radical I. W. W. held in this district should be paroled. A similar action on the part of the attorneys representing the I. W. W. prisoners is now being prepared in western Washington. United States District Attorney, Spokane, advises that his court intimates he will grant writ November 15 on all cases heretofore ordered deported by the department for the reason that records do not substantiate charge in the acts of the organization, not sufficient under the old law. If all of these prisoners are turned loose, you can appreciate the impossibility of keeping them under surveillance. We are awaiting your further instructions.

HENRY W. WHITE, *Commissioner.*

[Telegram.]

SEATTLE, WASH., November 13, 1919.

IMMIGRATION BUREAU,
Washington:

Just returned from Centralia, Wash., where I. W. W.'s killed four men on November 11 and wounded several others. One ringleader was apprehended and lynched. Feeling running high there, also in Tacoma, Seattle, and entire Northwest. Several I. W. W.'s under arrest in Tacoma, Seattle, and other towns. Demands are being made by the State, county, and general public for deportation of alien I. W. W.'s.

I have tried to secure all information possible, but have taken no action looking toward general campaign of deportation, as only evidence now available under the deportation statute is membership in I. W. W.

Please instruct me what policy the department would have me pursue, as I must give an answer soon to the demands above mentioned.

WHITE.

[Telegram.]

SEATTLE, WASH., November 18, 1919.

IMMIGRATION BUREAU,
Washington, D. C.:

Just received telegram chief of police, Centralia, asking us to institute deportation proceedings against 14 I. W. W. now incarcerated in city jail there. Yesterday committee citizens from Tacoma called on me and insisted that we proceed in deportation of I. W. W.'s held there. Yesterday United States Department of Justice turned over to me their report on 20 I. W. W.'s held in city jail, Seattle. Authorities at Everett, Wash., telephoned yesterday they have number of I. W. W.'s held there. Other towns and cities are demanding something be done by reason of heinous crime committed at Centralia. Demands are acute. I have refused to take any action in premises, and have been expecting answer to my telegram of 13th asking for instructions. Unless I receive instructions at early date, I will be compelled to decline action in practically all cases now held by different cities throughout the State, as the only evidence so far secured to support deportation is membership in I. W. W. organization.

WHITE.

(Notation written on bottom of foregoing telegram, as follows:)

NOVEMBER 19, 1919.

Insufficient. Must be sufficient prima facie proof to justify you in telegraphing for warrant under the law.

L. F. P.

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington, November 15, 1919.

No. 54235/36-D

Memorandum for the Assistant Secretary.

The bureau notes your request for the preparation of a reply to the message of the Spokane Chamber of Commerce.

Under the pending departmental instructions to the bureau there is only one form of reply it can make to that organization in so far as the message and answer thereto affect or relate to the I. W. W. organization.

The bureau feels that under existing conditions and recent happenings in the West the subject should be considered from its present aspects with relation to the I. W. W.

Commissioner White, of Seattle, who is on the ground and has investigated the situation, has wired for instructions (see telegram hereunder).

The bureau is of the opinion that in the replies to said Chamber of Commerce and to the Commissioner at Seattle they should be advised that proceedings against members of the I. W. W. organization will be ordered just as the department is now and for some time past has been proceeding against the Russian Workers' Union. It is apparent that the former constitutes the same menace in the West that the latter does in the East, and the question arises at this time, should not the same treatment under the anarchistic provisions of the immigration laws follow as to the I. W. W.

The bureau has heretofore, in memoranda on the subject, expressed its views and made recommendations in relation to the matter of the prosecution of persons who hold membership in the I. W. W. organization. It continues of the opinion that the organization is anarchistic and revolutionary in its teachings.

In view of the receipt of said messages, particularly of the telegram from Commissioner White, and the necessity to reply thereto, and in view of the latest manifestations of the I. W. W., which have without doubt produced a grave and dangerous situation, the bureau has had the idea that possibly the department would wish to review the situation, and it is with this thought this memorandum is submitted and instructions requested.

A. CAMINETTI, *Commissioner General.*

(Notation on bottom of foregoing memorandum, as follows:)

NOVEMBER 15, 1919.

Send me existing department instructions, also previous recommendations and bureau and department response thereto, also any other authoritative record matter on the subject.

L. F. P.

54235/36-D

IMMIGRATION SERVICE,
Seattle, Wash.

NOVEMBER 19, 1919.

Answering yours of the 13th and 18th, department adheres to previous decisions that under I. W. W. constitution mere membership in that organization does not bring aliens within scope of act of October, 1918. But if it is shown that any alien, whether member of said organization or not, has individually or as one of a group, advocated or done anything or conspired with others to do anything bringing him within scope of said statute, arrest warrant will issue, but warrant will not issue without the usual prima facie proof showing such advocating or acting or conspiracy. Telegraphic warrants will issue when cases emergent.

Post.

Attest: Exact copy as signed by Louis F. Post, Assistant Secretary.

CONCERNING SABOTAGE.

Letters which assists to some extent in obtaining a fair idea of attitude of Department of Labor regarding the I. W. W. organization, read as follows:

FEBRUARY 6, 1920.

J. E. HOOVER, Esq.,

Special Assistant to The Attorney General, Department of Justice.

MY DEAR MR. HOOVER: I beg to acknowledge the receipt of your letter of the 31st ultimo, with which you inclosed photostat copies of certain "stickers" issued by the I. W. W. with a view to furthering the interests of that organization. You call

particular attention to stickers numbered "2" and "3" on the sheet, and ask whether or not, in the opinion of the bureau, aliens found to be distributing these particular "stickers" fall within the provisions of the act of October 16, 1918.

As the bureau reads the two "stickers" in question, they advocate the practice of sabotage. Sticker No. 2, moreover, contains an implied threat in the words "We never forget," to be found thereon. It is, of course, the popular conception (and, according to the bureau's belief, there is some ground for such conception) that the word "sabotage" as employed in the literature of the Industrial Workers of the World, and as practiced by some, at least, of its members, means anything from the turning out of an inferior quality of work, slowing down on the job, etc., up to the actual and willful destruction of property in violation of law. If, therefore, the fact of distribution of these "stickers" would bring an alien within the contemplation of the act to which you refer, it would be that clause which reads as follows: "Aliens who advocate or teach the unlawful destruction of property."

The department has ruled, in this connection, that, while the I. W. W. does advocate, in its published literature, the practice of sabotage, the definition given for the word "sabotage" in such literature does not establish the character of the organization as one which advocates the unlawful destruction of property. While it is the bureau's understanding that individual members of the organization have resorted to the unlawful destruction of property, doubtless in pursuance of their conception of the meaning of the word "sabotage," the department so far has not been disposed to hold that it could take judicial notice (so to speak) of the fact that such term, as employed in its literature advocates the actual destruction of property.

Very truly yours,

Exact copy as signed by A. Caminetti, Commissioner General. Mailed February 11, 1920.

DEPARTMENT OF JUSTICE,
Washington, D. C., March 16, 1920.

HON. ANTHONY CAMINETTI,
Commissioner General of Immigration,
Washington, D. C.

DEAR MR. CAMINETTI: I have been advised that a circular was issued some time ago by the Bureau of Immigration containing a ruling to the effect that all inspectors at ports of entry were to exclude from admission to this country all aliens who admitted membership in the I. W. W. organization. I would appreciate it if you would advise me as to whether or not such a ruling has been made by your office, and if so, I would appreciate being supplied with a copy of the same.

Very truly yours,

J. E. HOOVER,
Special Assistant to the Attorney General.

MARCH 31, 1920.

J. E. HOOVER, Esq.,
Special Assistant to the Attorney General,
Washington, D. C.

MY DEAR MR. HOOVER: Answering your letter of the 16th instant, I beg to advise you that the bureau has no knowledge of the issuance of instructions to the several ports of entry to exclude from admission to the United States aliens who admit being members of the organizations known as the Industrial Workers of the World. As such instructions would either emanate from it, or it would be advised in the event of their issuance by the department, it seems apparent that the information which has been furnished you is of an erroneous character.

Very truly yours,

Exact copy as signed by A. Caminetti, Commissioner General. Mailed April 5, 1920.

CASE OF ALFRED MARTIN.

The case of Alfred Martin, bureau file 54625/22, is a case that indicates the attitude of the Assistant Secretary of Labor toward the I. W. W. organization. Documents in the file give a fair idea of the case, but in this connection the decisions of Federal Judges Neterer and Wolverton, which I have already read into this report, should

be considered, both were on file in the Bureau of Immigration at time of the decision in the Martin case.

Documents pertaining to this case read as follows:

MAY 26, 1919.

Memorandum for the Secretary through the Acting Secretary:

Referring to the memorandum recently submitted by the bureau, recommending that the practice in I. W. W. and similar cases be changed so as to permit use to be made of the membership charge arising under the act of October 16, 1918, the bureau now submits the cases of Alfred Martin and Sam Robinson, both of which fairly well illustrate the bureau's contention that an effective enforcement of the act of October 16, requires that the membership charge shall be availed of, not indiscriminately, but in a discriminate manner.

It will be noted that the Martin case has been written up in the bureau with the purpose of recommending deportation. The bureau is inclined to think, however, that the theory upon which the tentative memorandum proceeds in that case will not stand the test to which it is almost sure to be subjected through habeas corpus proceedings. Doubtless "advocating" means something different from "teaching" where the two terms are used in the clauses of the law relating to the destruction of property. Doubtless, also, a man can advocate a doctrine or theory simply by carrying on person, private conversations with his fellowmen; but to hold a man guilty of advocating the destruction of property because when placed under cross-examination by Government officers he states, however plainly and unequivocally, that he believes in the unlawful destruction of property, in the bureau's judgment, is going somewhat too far. Nevertheless, the bureau is clearly of opinion that an alien who, like Martin, is not only a member of the I. W. W. but is a thorough believer, with full understanding thereof, in its tenets and doctrines, ought not to be permitted to remain in the United States. It is just such aliens as that who were intended to be reached by the membership charge, in the bureau's judgment.

The tentative memorandum attached to the Robinson case was prepared, as may be seen, with the purpose of recommending that the warrant be canceled and the proceedings discontinued; but this has been done merely because the present practice is not to use the membership charge—the alien ought to be deported. Robinson is a member of an organization which for a long while has been advocating and teaching the unlawful destruction of property by the means of literature put out by its publishing house and distributed by its secretaries, organizers and delegates; indeed some of its literature is distinctly anarchistic even. He is an intelligent man and an active and enthusiastic member of the organization and believer in its teachings. In the bureau's judgment he should be deported upon the ground that he is a member of an organization that advocates and teaches the unlawful destruction of property.

It is believed that these two cases will assist the department in reaching a conclusion on the matter presented in the bureau's previous memorandum.

Respectfully submitted.

A. CAMINETTI, *Commissioner General.*

AUGUST 9, 1919.

MAY 15.

These dates are as they appear on original memo.

In re Alfred Martin, aged 34, native and subject of Norway, entered from Canada presumably near Blaine, Wash., without inspection on or about December 15, 1910. Memorandum for the Acting Secretary:

The above-named alien was arrested at the Pierce County jail, Tacoma, Wash., on the grounds that he has been found advocating or teaching the unlawful destruction of property, and that after his entry into the United States he has become (or continues to be) a member of certain of the classes of aliens enumerated in the first section of the act approved October 16, 1918, to wit, (a) an alien anarchist, (b) an alien who disbelieves in or is opposed to all organized government, and (c) an alien who advocates or teaches the unlawful destruction of property.

This man states that he first landed in the United States in New York in July, 1900, as a member of the crew of the Norwegian ship *Thordenskald* and that he deserted the vessel there entering without inspection; that in 1910 he made a trip to Canada remaining there until December of that year when he again entered the United States by walking across the line, near Blaine, Wash., shortly before New Years. During the period of his residence in this country he says that he principally engaged in railroad and harvesting work; that the longest he ever held any one position was three and one-half months; that he has roamed about the country, beating his way on trains; and that he has been arrested on three previous occasions usually because

of activities in connection with the I. W. W. He has been a member of the I. W. W. organization since February, 1917, having joined in Chicago. He admits that he was at one time an organizer and a delegate, but claims that since his arrest at Spokane, Wash., he has not carried credentials, although he continually lined up new members and brought them to the I. W. W. halls. He is now serving a sentence in the Pierce County jail at Tacoma for distributing and pasting I. W. W. stickers or "silent agitators" on public property. He admits his guilt and says that if released to-day he would become even more active than he was before arrest. His membership book, No. 298627 shows dues paid to February 1, 1919.

The alien states that he fully believes in the teachings, principles and tactics of the I. W. W. He was asked if he believed in the use of sabotage in order to get what he wanted from the employer and replied, "Yes, if necessary." He attempted to qualify this, however, by saying that he did not believe in destroying property or breaking machinery. The following paragraph was read to him from one of the best known I. W. W. sabotage teaching pamphlets entitled "The I. W. W., its History, Structure and Methods":

"Failing to force concessions from the employers by the strike, work is resumed and 'sabotage' is used to force the employers to concede the demands of the workers. During strikes the works are closely picketed and every effort made to keep the employers from getting workers into the shops. All supplies are cut off from strike bound shops. All shipments are refused or missent, delayed and lost if possible. Strike breakers are also isolated to the full extent of the power of the organization. Interference by the Government is resented by open violation of the Government's orders, going to jail en masse, causing expense to the taxpayers—which is but another name for the employing class. In short, the I. W. W. advocates the use of militant 'direct action' tactics to the full extent of our power to make good."

When asked if the above met with his approval, he replied: "That is the way I understand it." Samples of the I. W. W. stickers which the alien admits he pasted on public buildings are contained in and made a part of the record. In addition to the payment of dues toward the I. W. W. organization, stamps in the alien's membership book indicated that he made \$63 in voluntary contributions to the order.

Not only has the alien done all in his power to assist the I. W. W., financially and otherwise, but he openly advocates and believes in the use of sabotage to accomplish his ends. While he attempts to say that he does not believe in destroying property or breaking machinery, his approval of the above-quoted paragraph shows that he does believe in and advocates missending, delaying, and losing if possible the supplies of employers, which is undoubtedly, in a great many instances, the equivalent to destruction of property.

In addition to his advocacy of sabotage, he has contributed heavily, according to his means, to an organization which prints, publishes, sells, and distributes sabotage-teaching literature.

Upon the basis of the above facts the bureau recommends his deportation to Norway, at Government expense, upon the ground that he has been found advocating the unlawful destruction of property.

(Not proved—Cancel, Louis F. Post, Assist. Secy.)

A. CAMINETTI,
Commissioner General.

(Notation at bottom of above memorandum as follows:)

What action did the Secretary take (or what instructions give) in re the bureau memo. of May 26, 1919, hereunder. Conference at 2 p. m. Aug. 22, 1919. (L. F. P., Aug. 21, 1919.)

The memorandum referred to was not approved. Attention is called to the fact that this memorandum bore only on the membership of the I. W. W. as an order. Aug. 22, 1919. "C"

CASE OF DAVID HORVATH.

Another interesting I. W. W. case is that of David Horvath, bureau file 54709/43, documents pertaining to this case read as follows:

SEPTEMBER 19, 1919.

In re David Horvath, aged 18, native and citizen of Hungary; entered presumably at New York, N. Y., per S. S. *Penonia* in 1908.

Memorandum for the Acting Secretary:

The above-named alien was arrested at Fort Oglethorpe, Ga., on the grounds that he is an alien anarchist; that he believes in the overthrow by force or violence of the Government of the United States; that he advocates the overthrow by force or

violence of the Government of the United States; and that he disbelieves in all organized government.

This man states positively that he does not believe in organized government and that law is unnecessary. He is a member of the I. W. W., and believes in industrial democracy or that system whereby an organization, such as the I. W. W., takes control of the industries and runs them to suit itself. His idea is to take the industries away from the capitalists without pay, and he also advocates the workers taking control of the industries regardless of the manner in which it has to be done. This man entertains practically the same ideas as all others who believe in the system of industrial democracy but is just a little more frank in expressing his opinions as to how that system should be brought into existence.

The bureau is of the opinion that all of the charges in the warrant are sustained, and upon those grounds recommends the alien's deportation to Hungary at Government expense, when possible.

A. CAMINETTI, *Commissioner General.*

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary.*

LAW OFFICE OF CHARLES RECHT,
New York, October 10, 1919.

The COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

DEAR SIR: I appear for David Horvath, at Fort Oglethorpe, Ga., and request that I be advised of any proceedings taken in this case, that a hearing be accorded this alien, and that I be given an opportunity to act for my client in the various stages of the proceedings.

Very truly, yours,

CHARLES RECHT.

NOTE.—Pencil notation at bottom of original of above letter states: "File. Mr. Recht's partner, Miss Weiss, was permitted by Dept. to review this record. W. J. P." Copyist.

OCTOBER 23, 1919.

Memorandum for the Acting Secretary

The five records attached hereto relate to the cases of Louis Gyory, David Horvath, Kalman Pentek, Joseph Lesko and Steve Torok, all of whom have been ordered to be deported, on department warrants, on anarchistic and kindred charges. All are in confinement at the War Prison Barracks, Fort Oglethorpe, Ga., where the hearings in their respective cases were conducted.

It will be noted from the correspondence in the respective files relating to these cases that Attorney Charles Recht, of New York, has requested that he be given an opportunity to "act for his clients" in the various stages of their cases before the Immigration Service, and you are advised, in this connection, that a representative of Mr. Recht is now in Washington and called at the bureau to-day, when she made oral request to be permitted to review the records, in order that they might be in a position to determine the course of their future action in these cases. His representative (Miss Weiss) was advised that hearing had already been accorded the aliens that each and every one of them was advised, at the outset of the hearing, of his right to have present and be represented by, an attorney, that the right to have counsel present or to represent his case was waived by each and every one of the aliens, that the cases had proceeded to a decision before the department, and that warrants of deportation, with appropriate instructions as to their execution, had issued for all of them. As the right of representation by counsel had been expressly waived by all of the aliens, and nothing has been presented to show that Mr. Recht is now authorized to represent them, that they are in any way dissatisfied with the decision which has been rendered as to them or have made any request that their cases be reopened, Miss Weiss was advised that the bureau could hold forth no encouragement that she would be permitted to review the records for Mr. Recht, nor that he would be recognized as counsel for the aliens at this late stage of the cases. She did not intimate that the aliens had authorized Mr. Recht to appear at this time in their behalf, but did state that he is attorney for the Industrial Workers of the World, and expressed the opinion that, in his capacity as such attorney, he should be permitted to review the records in the cases of any and all members of that organization who have been arrested in deportation proceedings, regardless of the stages to which such cases may

have progressed. I think you will readily appreciate the inadvisability of permitting Mr. Recht, or any other attorney, so far as that is concerned, to appear in these cases in any but a regular manner, this after he has been duly authorized by the alien concerned to represent him, and has come into the case, in the usual manner, at some stage before a final decision is rendered by the department. To permit him to do otherwise would be to countenance irregularity of procedure which would prove most embarrassing, and would confer upon him a privilege which could not possibly be extended to other attorneys, except in applications for a reopening in the usual way.

For the foregoing reasons, the bureau has respectfully to recommend that these records be not thrown open to the inspection of Mr. Recht, or his representative, in the absence of express request or authorization for him to appear by each alien who is affected.

A. CAMINETTI, *Commissioner General.*

Approved:

(Unsigned.)

Acting Secretary.

LAW OFFICE OF CHARLES RECHT,
New York, October 25, 1919.

The COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

Re David Horvath.

DEAR SIR: I respectfully request permission to reopen this case, as the record shows that the alien waived right to counsel, as he could not afford to pay for one or procure one who was willing to take the case. I would appreciate it if another hearing were granted and a day set when this case could be heard together with the others at Fort Oglethorpe, so that some one from this office might go down.

Yours, respectfully,

CHAS. RECHT.

NOVEMBER 1, 1919.

In re David Horvath, Stephen Török, Kalman Pentek or Paintek.

Memorandum for the Acting Secretary:

The above-named aliens are all under order of deportation to Russia, and the facts regarding their cases will be found reviewed in bureau memoranda indicated at markers in the attached files. Attorney Chas. Recht represents himself as their attorney and has requested a reopening of each case, although there is no communication or indication of any kind in the record to show that these men desired Mr. Recht as their attorney.

As to the question of reopening these cases the Bureau has to state that each alien received a fair hearing at Fort Oglethorpe and were duly and properly apprised at the hearings of their right of attorney. In each instance the aliens waived their right of attorney, either stating that they did not desire such or were unable to pay the expenses for one.

There seems to be no good reason whatever why these cases should now be reopened merely upon the request of Attorney Recht. In each case the record was carefully reviewed and the aliens found to be here in violation of law. The aliens themselves have not requested a reopening of their cases nor is there anything in the record to indicate that they have communicated such a desire to Attorney Recht. Aside from the lack of merit of the request of Attorney Recht a reopening of these cases at Fort Oglethorpe would necessitate sending an immigrant inspector to that point, involving considerable time and expense. The question of removing these aliens to New York is now before the bureau, as it will be incumbent upon this service to take charge of them just as soon as the war prison camp breaks up at Fort Oglethorpe, which will probably be in the not far distant future.

It is recommended that the request to reopen these cases be denied.

(Sgd.) ALFRED HAMPTON,
Assistant Commissioner General.

Approved:

JOHN W. ABERCROMBIE, *Acting Secretary.*

LAW OFFICE CHARLES RECHT,
New York, November 5, 1919.

The COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

Re David Horvath.

DEAR SIR: I shall appreciate it if you will advise me of your decision in the matter of reopening this case. As this alien did not understand the proceedings fully the taking of further testimony would be desirable.

Yours, respectfully,

CHAS. RECHT.

NOVEMBER 18, 1919.

CHAS. RECHT, Esq.,
New York, N. Y.

DEAR SIR: Replying to you letters of the 5th instant in regard to the cases of David Horvath, Stephen Torok, and Kalman Pentek, now confined at Fort Oglethorpe, Ga., under order of deportation, I desire to state that, after due consideration of the matter by the bureau and department, your request for reopening of these cases can not be granted.

It appears that at the time of the hearings they were duly apprised of their right of attorney, but all declined to avail themselves of this privilege. No facts have been submitted by you which would justify reopening these cases at this late date.

Very truly, yours,

(Stamped as having been signed by ALFRED HAMPTON.)
Assistant Commissioner General.

CHARLES RECHT, COUNSELLOR AT LAW,
New York, April 17, 1920.

The COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

SIR: Please enter my appearance for Dave Horvath, just sent to Ellis Island from Fort Oglethorpe, and advise me of all proceedings had in his case.

Yours, very truly,

CHARLES RECHT.

CHARLES RECHT, COUNSELLOR AT LAW,
New York, April 23, 1920.

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

In re David Horvath.

DEAR SIR: I wish to enter a special plea for David Horvath, who is now on Ellis Island awaiting deportation, having been transferred from Fort Oglethorpe a few days ago.

This boy will be 19 years old next month and was arrested when he was 16, and has been interned for the past three years. He strikes me as being a very able and intelligent boy and in every way a person who if given an opportunity would make a good citizen and desirable member of the community.

As you probably know, he came to this country when very young and attended our public schools. He was arrested just as he commenced his career as a workman.

If he has been guilty of any indiscretions it has been due to his youth and certainly can not be said to have been the result of mature reflection, consideration, or knowledge on his part. I believe that the ends of justice would be best served in this case by giving him an opportunity to go back to his family in Cleveland under some sort of parole arrangement, so that he can demonstrate his willingness to conduct himself in a law-abiding manner.

At the time his hearing was given him, he has not attorney, and replied with youthfully characteristic impatience to the questions asked him. There is no doubt in my mind that in regard to the subject matter of the hearing he had no knowledge, information, or opinions, and made replies he did in the spirit of resentment against his long detention.

I would appreciate it, therefore, if you would reopen this case and grant him a rehearing, so that all the facts in the case may be presented.

Thanking you, I remain,

Very truly, yours,

CHAS. RECHT.

NOTE.—Original of above communication bears following notation: "Application for rehearing granted. Wire station. Louis F. Post, Asst. Sec. Apr. 24/20." Copyist.

INDEX.

[NOTE.—This index is intended as a rough guide to contents of these hearings. Letters and memoranda of Mr. Post, Assistant Secretary of Labor; Mr. Caminetti, Commissioner General of Immigration; Mr. Hoover, special assistant to the Attorney General, as well as reports of inspectors and agents, appear too frequently to be indexed in detail.—CLERK.]

	Page
Anarchists, list of, for 1918.....	66
Berg, John, case of.....	42, 61
Bernat, Charles, case of.....	26, 63
Blackwood, W. A., statement of.....	3
Bostrom, August, case of.....	34, 57
Ciofalo, Andrew, case of.....	51, 63
Cohen, Katie, case of.....	54, 63
Ehrlich, Sol, case of.....	30, 64
Elick, Mike, case of.....	49, 62
Flogaus, Edwin, case of.....	38, 57
Hand, Judge, decision of, in case of Nelson.....	4
Hendrickson, Axel, case of.....	32, 61
Holm, Jalmar, case of.....	36, 62
Horvath, David, case of.....	85
I. W. W., alien members of, paroled.....	68
Jackson, Charles, case of.....	44
Johnson, Christ L., case of.....	21, 58
Kertz, Ephim, case of.....	47
Kisil, Alex., case of.....	63
Leivo, John, case of.....	33, 58
Linsky, Hersh, case of.....	64
Lipkins, Gus, case of.....	53, 63
Listkoff, Ephim, case of.....	62
Longfors, William, case of.....	5, 60
Lund, James, case of.....	7, 57
Martin, Alfred, case of.....	83
Martin, Joe, case of.....	41, 59
Maskalunas, Kazis, case of.....	64
Melta, Peter Williamson, case of.....	23, 63
Morgan, John, case of.....	4, 60
Names of aliens sent from Seattle to Ellis Island, February 7, 1919.....	13
Neterer, Judge, decision of, in cases of—	
Dixon.....	71
Bernat.....	71
Jackson.....	45
Otterholm, Magnus, case of.....	19, 60
Patterson, John, case of.....	64
Policy as to Russian Workers and I. W. W.—Conference of officers on.....	79
Ross, McGregor S., case of.....	18, 59
Rudkin, Judge, decision of, in case of Marhow.....	74
Sabotage, letter of Commissioner General of Immigration concerning.....	82
Seattle cases, disposition of, at Ellis Island.....	56, 64
Slutzker, Aaron, case of.....	63
Smith, Arthur J., case of.....	8, 61
White, Henry W., letter of protest from.....	80
Wolverton, Judge, decision of, in case of Carl Swelgin.....	76

COMMUNIST LABOR PARTY DE- PORTATION CASES

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON IMMIGRATION AND NATURALIZATION

HOUSE OF REPRESENTATIVES

SIXTY-SIXTH CONGRESS

SECOND SESSION

MAY 4, 6, AND 7, 1920

STATEMENT OF W. A. BLACKWOOD

DECISION OF SECRETARY OF LABOR IN
CASE OF CARL MILLER

CASES OF FEEBLE-MINDED AND INSANE
ALIENS ADMITTED

HISTORY OF L'ERA NUOVA ANARCHIST
GROUP OF PATERSON, N. J.

SUPPLEMENTAL LIST OF COMMUNIST
PARTY DEPORTATION CASES

WASHINGTON
GOVERNMENT PRINTING OFFICE

1920

COMMITTEE ON IMMIGRATION AND NATURALIZATION.

HOUSE OF REPRESENTATIVES.

SIXTY-SIXTH CONGRESS.

ALBERT JOHNSON, Washington, *Chairman*.

ISAAC SIEGEL, New York.
HAROLD KNUTSON, Minnesota.
ROSCOE C. McCULLOCH, Ohio.
J. WILL TAYLOR, Tennessee.
JOHN C. KLECZKA, Wisconsin.
WILLIAM N. VAILE, Colorado.
HAYES B. WHITE, Kansas.
KING SWOPE, Kentucky.

ADOLPH J. SABATH, Illinois.
JOHN E. RAKER, California.
RILEY J. WILSON, Louisiana.
BENJAMIN F. WELTY, Ohio.
JOHN C. BOX, Texas.
L. B. RAINEY, Alabama.

P. F. SNYDER, *Clerk*.

COMMUNIST LABOR PARTY DEPORTATION CASES.

COMMITTEE ON IMMIGRATION AND NATURALIZATION,
HOUSE OF REPRESENTATIVES,
Tuesday, May 4, 1920.

A subcommittee, called by Chairman Johnson, met at 10 a. m.

The CHAIRMAN. We have asked Mr. Blackwood for some information concerning the Communist Labor Party deportation cases. These are being held pending a decision by the Secretary of Labor. Do you know, Mr. Blackwood, whether or not the Secretary has handed down a decision with reference to the Communist Labor Party?

Mr. BLACKWOOD. I have not heard of his doing so yet.

[NOTE.—The decision of the Secretary of Labor was made May 5, and is made a part of this hearing.]

The CHAIRMAN. Have you examined the records in any of the cases?

Mr. BLACKWOOD. Yes; some. I have copies of some documents which are in the files of the Bureau of Immigration.

The CHAIRMAN. You may present them.

Mr. BLACKWOOD. I have the following:

DEPARTMENT OF LABOR,
OFFICE OF ASSISTANT SECRETARY,
Washington, March 6, 1920.

For: The Commissioner General of Immigration.

From: The Secretary.

Subject: Secretary's memorandum of January 7, 1920.

In resuming departmental charge of immigration matters in consequence of the absence of the solicitor, and in order to avoid misapprehension or misunderstanding, I respectfully recall attention to the Secretary's memorandum of January 7, 1916, the original of which is in my office and a copy whereof is hereto attached.

LOUIS F. POST,
Assistant Secretary.

OFFICE OF THE SECRETARY,
January 7, 1916.

Memorandum for the Assistant Secretary, the Solicitor, and the Commissioner General.

In cases under the immigration and Chinese exclusion laws which reach the department through the Bureau of Immigration, decisions by the Assistant Secretary are the decisions of the department unless reversed or modified by the Secretary in person.

Regarding any decision by the Assistant Secretary which appears to the commissioner general to be of sufficient importance for the Secretary's personal review, the practice hereafter is to be as follows: (1) Notice in writing will be promptly made by the bureau to the Assistant Secretary upon receipt of the latter's decision, such notice to be to the effect that personal consideration by the Secretary of the case in question is desired. (2) The file in the case will be transmitted either with the notice or within a reasonable time thereafter, to the Secretary through the Assistant Secretary along with such explanatory memorandum as may be necessary or appropriate. (3) The

file and the Secretary's decision will be returned to the bureau through the Assistant Secretary.

In any case in which the solicitor serves as Acting Secretary a like practice with reference to his decisions will be observed, the notice in such case going to and the file passing through the Acting Secretary instead of the Assistant Secretary.

W. B. WILSON, *Secretary.*

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, March 15, 1920.

Memorandum.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: Christanf Romanuk (alleged Communist) No. 54859/661.

In approving deportation for membership in the Communist Party the Acting Secretary must have been misled by the bureau memorandum of March 2, 1920. Upon examination of the evidence I can not sign the warrants. Suspend proceedings until return of Mr. Abercrombie. Release the alien meanwhile on parole.

LOUIS F. POST, *Assistant Secretary.*

Received March 17, 1920, Bureau of Immigration Law.

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, March 18, 1920

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: Bail in immigration cases at Hartford, Conn.

You are hereby directed to instruct Immigrant Inspector Clark at Hartford, by wire, to release immediately on \$1,000 bail all aliens now in his custody under departmental warrant who are held only as members of a proscribed organization. In all cases in which he himself has reason to believe that the prisoner is personally within the act of October 16, 1918, irrespective of the fact of mere membership, you are directed to instruct him to give hearing at once and transmit the record immediately to the department.

LOUIS F. POST,
Assistant Secretary.

Mr. Caminetti and Mr. Hampton absent from bureau. Mr. Peters drafted telegram as per instructions. 4 p. m. H. R.

Notify the attorneys concerned. March, 18, 1920. L. F. P.

MARCH 18, 1920.

CLARK, *Immigrant Inspector, Hartford, Conn.:*

You are hereby instructed to release all aliens now in your custody on department warrant who are held only as members proscribed organization on bond \$1,000 for each being furnished. In all cases in which you have reason to believe alien under arrest is personally within contemplation act October 16, 1918, irrespective of membership in a proscribed organization, you are directed accord hearing at once and transmit records thereof immediately to department.

Post.

Attest:

LOUIS F. POST, *Assistant Secretary.*

MARCH 24, 1920.

Memorandum.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: Disposition of aliens charged with being members of the Communist Labor Party.

It is my understanding that departmental warrants have been issued for the arrest of a considerable number of aliens as members of the Communist Labor Party, the exact status of which with regard to the act of October 16, 1918, has not yet been

determined by the Secretary. Since it now appears probable that the Secretary may not be able to rule on that point for a considerable time, you are directed to take the following action in Communist Labor Party cases, for the purpose of eliminating hardships not necessary to protect the interest of the Government:

1. Instruct all inspectors in charge immediately that they parole to counsel aliens who come within the above-mentioned classification, if the inspector in charge knows counsel for the alien to be of good standing and reputation.

2. In cases where parole to counsel can not be effected but the inspector in charge is satisfied that the alien will appear when wanted, instruct the inspector to release upon the alien's own parole.

3. The foregoing instructions do not apply to arrested aliens not now in custody.

4. Instruct inspectors in charge to transmit not later than March 31 the names of aliens in their custody who come within the above classifications, but in whose cases such procedure is undesirable, stating in each case the reason why it is undesirable.

5. Transmit to the department the reports of disposition of cases referred to in this memorandum.

LOUIS F. POST, *Assistant Secretary.*

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, March 27, 1920.

Memorandum.

For: The Commissioner General of Immigration.

From: The Assistant Secretary.

Subject: In re parole of aliens, No. 54844/190.

You appeal to the Secretary by memorandum of March 26, 1920, from decision of the Assistant Secretary in re Communist Labor Party cases, made in his memorandum of March 24, has been noted and transmitted to the Secretary.

Pending decision thereon by the Secretary, you are hereby directed to execute the directions of the Assistant Secretary's memorandum of March 24, which require, (1) instructions to inspectors in charge to parole to counsel aliens who are under arrest upon the charge of being members of the Communist Labor Party, if the inspector in charge knows counsel for the alien to be of good standing and reputation; (2) in cases in which parole to counsel can not be effected, but the inspector in charge is satisfied that the alien will appear when wanted, instructions to release upon the alien's own parole; (3) the foregoing directions not to apply to arrested aliens not now in custody; (4) instructions to inspectors in charge to transmit, not later than March 31, the names of aliens in their custody who come within the above classifications but in whose cases such procedure is undesirable, stating in each case the reason why it is undesirable; (5) transmission to the department of the reports of disposition of cases referred to above. Copy attached.

LOUIS F. POST, *Assistant Secretary.*

MARCH 31, 1920.

Memorandum for the Assistant Secretary.

Your memorandum of the 27th instant, in re parole of aliens, I am informed was received in the bureau after office hours on the 29th, and, having by some one been attached to file No. 54844/190, was not found immediately, as I was looking for it elsewhere than in a Communist Party file. The bureau notes that the appeal has been sent to the Secretary; but since you are proceeding with the subject of said appeal as though it had not been taken, the bureau does not care to bother the Secretary with taking up a matter upon which you propose to act notwithstanding the appeal was taken by the bureau as provided by the memorandum of the Secretary of January 7, 1916. Therefore the bureau respectfully withdraws the appeal heretofore entered herein.

A. CAMINETTI, *Commissioner General.*

U. S. DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington, March 31, 1920.

In re Parole of aliens (Communist Labor Party).
Memorandum for the Assistant Secretary:

The bureau, in accordance with directions found in your memorandum of the 27th instant (received the 29th), has prepared telegraphic instructions to all commissioners of immigration and inspectors in charge for the signature of the Assistant Secretary. Please find such telegraphic instructions hereunder.

A. CAMINETTI, *Commissioner General*.

(Notation on bottom of foregoing memorandum.)

Noted & telegraph signed with an alteration Mar.31/20. L. F. P.

MARCH 31, 1920.

IMMIGRATION SERVICE,

Ellis Island, New York Harbor:

Pending further directions you are instructed—First, parole to counsel aliens who are under arrest on charge of being members of Communist Labor Party if you know counsel for the alien to be of good standing and reputation. Second, in such cases in which parole to counsel can not be effected but the commissioner or inspector in charge is satisfied that the alien will appear when wanted you are authorized to release such alien upon his own parole. Third, foregoing instructions not to apply to arrested aliens not now in custody. Fourth, you are instructed to transmit this day the names of aliens in your custody who come within the above classification but in whose cases such procedure is undesirable, stating in each case the reason why it is undesirable. The foregoing instructions do not apply to aliens, alleged members of Communist Party of America.

LOUIS F. POST, *Assistant Secretary*.

Exact copy as signed by Louis F. Post.
Mailed March 31, 1920.

MARCH 31, 1920.

WESTERN UNION:

Repeat the foregoing message to the following stations: Immigration Service, Boston, Mass.; Baltimore, Md.; Chicago, Ill.; Cleveland, Ohio; Buffalo, N. Y.; Hartford, Conn.; Detroit, Mich.; Minneapolis, Minn.; Philadelphia, Pa.; St. Louis, Mo.; Seattle, Wash.; San Francisco, Calif.; Portland, Oreg.; Denver, Colo.; Jacksonville, Fla.; Los Angeles, Calif.; El Paso, Tex.

COMMISSIONER GENERAL.

Exact copy as signed by A. Caminetti.
Mailed March 31, 1920.

MEMORANDUM CONCERNING THIRD INTERNATIONAL.

Supplemental memorandum for the Secretary.

Pursuant to your request, the bureau submits, herewith, a supplemental memorandum covering the Communist Party of America, showing its affiliation with the Communist International, and quoting, under appropriate subheadings, the various provisions of the manifestos, constitutions, programs, etc., of the two organizations which bear upon the purpose and object of the Communist Party of America. 2

I. THE THIRD INTERNATIONAL.

On March 2, 1919, there assembled at Moscow representatives of all the communistic groups throughout the world for the purpose of adopting a unified program enunciating the principles of communism. This assembly was called by the Communist Party of Russia and the Spartacus group of Germany, and the program and manifesto adopted at the Third International was based upon the principles and tactics adhered to by the Russian Communists. At the time of the assembling of the Third International the communistic movement in the United States had not been developed into a separate and distinct movement but it was represented at the Third International by a delegate who purported to be the official delegate of all of the communistic groups in the United States. A manifesto and program were drafted and adopted by the

delegates at the Third International, which manifesto and program will be analyzed herein. This manifesto and program was the expression of the views upon international communism and was addressed to the workers of all countries. In its contents frequent reference is made to the United States, thus showing that the United States was considered as a field for the development of communistic doctrines.

The reason for the preceding explanation and the following analysis of the manifesto and program of the Third International is that there is found in section 2 of the constitution adopted by the Communist Party of America the following requirement:

"The undersigned, after having read the constitution and program of the Communist Party, declares his adherence to the principles and tactics of the party and the Communist International; agrees to submit to the discipline of the party as stated in its constitution and pledges himself to engage actively in its work."

II. PURPOSE AND AIMS OF THE COMMUNIST PARTY OF AMERICA.

In view of the affiliation of the Communist Party of America with the Third International, the purposes and aims of the Communist Party of America will be pointed out by analyzing the manifesto and program of the Communist Party of America and by a comparison with certain pertinent ideas expressed in the manifesto and program of the Third International.

CASE OF CARL MILLER.

I also came across an interesting memorandum in the case of Carl Miller, bureau file 54709/800, which is the case of a member of the Communist Labor Party of America arrested in Colorado district. Hearing was accorded alien and in due course received by the Bureau of Immigration. The Commissioner General, under date of February 19, 1920, submitted a memorandum for the department treating on the Communist Labor Party and closing with the statement that the bureau finds said party an organization coming within the act of October 16, 1918, and recommended deportation. Under date of February 21, 1920, the commissioner general submitted memorandum for the Acting Secretary with reference to a hearing before the Secretary, the purpose being to determine whether or not the above-named organization came within the act. Under date of March 24, 1920, the Assistant Secretary submitted a memorandum to the Commissioner General, instructing that the file be held until return of the Secretary and then submitted through the Assistant Secretary for decision. Instructing further that alien be released on personal recognizance if inspector in charge at Denver was satisfied he would appear. The inspector in charge at Denver was so instructed by wire. He replied that alien was out on bond, saying that he knew nothing about the alien and was unable to express an opinion as to whether or not he would appear if released as instructed, further suggesting that the bond be allowed to stand.

The case is still pending. The documents give a full understanding of case; they read as follows:

FEBRUARY 19, 1920.

In re Carl Miller, aged 38, native and citizen of Germany, arrived at port of Galveston, Tex., in October, 1907.

Memorandum for the Secretary (through the Acting Secretary).

This alien was arrested on the department's warrant of December 27, 1919, which warrant contained the following charges, drawn pursuant to the terms of the act of October 16, 1918: (1) That he is a member of or affiliated with an organization that entertains a belief in the overthrow by force or violence of the Government of the United States; (2) that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law; (3) that he is a member of or affiliated with an organization that advocates the overthrow by force or violence

of the Government of the United States; (4) that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; (5) that he is a member of or affiliated with an organization that teaches opposition to all organized government; and (6) that he is a member of or affiliated with an organization that entertains opposition to all organized government.

The prima facie evidence which was used by the department as the basis for the issuance of its warrant of arrest is contained in an affidavit sworn to by a special agent of the Department of Justice, in which the averment is made that the subject is an alien, that he is a member of the Communist Labor Party, and attends the meetings of that organization which are held in Denver, Colo., and that the Communist Labor Party is one mere membership in which makes an alien liable to deportation under the act of October 16, 1918.

At the time alien was taken into custody there was found in his possession his membership card, showing membership in the Communist Labor Party, and that his dues had been paid in said organization up to January, 1920. The special agent of the Department of Justice, upon being questioned, testified to the effect that he was present at the time when alien was arrested and took a statement from him, at which time alien admitted that he became a member of the Socialist Party in April, 1919, that later there was a split in that organization, as a result of which a portion of it became a part of the Communist Labor Party. Alien affirmed the truth of the statements made to said special agent, admitting his membership in the Communist Labor Party and the payment of his dues in advance, as stated. Alien further admitted his familiarity with the manifesto and program of the organization, and the same was read to him at a meeting of the Socialist Party in Denver in October last, at which time it was decided to join the Communist Labor Party. The examining inspector recommends that the alien be deported, and the inspector in charge at Denver, in transmitting the case, concurred in such recommendation.

The facts in this case seem to be entirely clear and, summed up briefly, are to the effect that alien is a member of the Communist Labor Party, is familiar with the constitution and program of such party and, if his testimony can be accepted as any indication, is in full accord therewith. With this statement of fact as a premise, the bureau proceeds to an analysis and discussion of the provisions of the constitution, platform, program, official pronouncements, etc., of the Communist Labor Party with the purpose in view of showing that said organization is one within the purview of the act of October 16, 1918, mere membership in which renders an alien subject to deportation from the United States. A brief history of this organization will first be made:

The Communist Labor Party, as was the case with the Communist Party of America (comment upon which was made in a former memorandum to you submitted in connection with the Englebrert Preis, et al., cases), is an outgrowth of the Left Wing of the Socialist Party. At a convention of the Socialist Party held in Chicago in the latter part of August, 1919, the purpose of which was to settle and adjust, if possible, the difference which had arisen within said organization, the Left Wing element of the Socialist Party withdrew from the convention en masse. The Left Wing members, headed by John Reid, of New York, who were refused seats as delegates to said convention, met on September 3, 1919, at the building used as the headquarters of the recruiting union of the I. W. W., for the purpose of holding a convention of their own, which was known as the "Convention of the Communist Labor Party of America." The delegates to this convention proceeded to draft and adopt a platform and program of their own. During the course of the debate among the delegates a discussion arose as to whether or not the words "political action" should be utilized in connection with the accomplishing of the aims of the newly organized party. After a heated debate these words were stricken from the "platform" of the party. Efforts were also made at the outset of the convention to unite with the Communist Party of America. This met with the failure due to the attitude of some of the leaders of the Communist Labor Party. To show the unity of purpose of the two parties, their similarity in program, modes and methods of accomplishing their aim, affiliation with the Communist International, etc., it seems not inappropriate to state at this time that during the recent hearing which the Secretary of Labor accorded certain attorneys representing the Communist Party of America the assertion was freely made that the Communist Party of America and the Communist Labor Party are one and the same in purpose and aims, are in accord as to the methods of obtaining those aims and, in fact, are in all essential respects identical except as to the matter of leadership. It seems also appropriate to insert, at this place in the bureau's memorandum, the following excerpt from a letter which Swinburne Hale, of counsel for the Communist Party of America, addressed to the Secretary of Labor under date of January 14, 1920, and to follow the same with extracts from authorized writings of the Communist Labor Party:

"I have no doubt that if this procedure is satisfactory I can arrange to have similar officials of the Communist Labor Party produced for examination at the same time.

You may not, however, feel that this is necessary, since the language of the Communist Labor Platform is substantially the same, and the number of its members arrested is smaller."

In the October, 1919, number of the Communist Labor Party News, which is the "official organization organ of the Communist Labor Party" (copy herewith submitted) appeared an article under the caption "The Three Parties." While this article must be read in its entirety to be fully appreciated, the following excerpts therefrom are of considerable significance in connection with the point which the bureau is endeavoring to bring out, viz, the similarity in every essential detail of the Communist Party of America and the Communist Labor Party:

"If there is any fundamental difference of principle between the Communist Party and the Communist Labor Party, then we would not favor unity of the two, for a lasting unity can be achieved only on the basis of agreement on fundamental principles.

"That such agreement on principles is a fact will be evident to any one that compares the platforms, programs, and manifestos of the two parties. Both conventions based their pronouncements squarely upon that of the Third International. Both are in accord with the Left Wing program of New York. Both are worthy expressions of the principles of international communism.

* * * * *

"But there is a very serious difference between the two parties in thier form of organization, a difference that must be thrashed out if the parties meet in unity conference, a difference that should be noted by every comrade before he joins either party."

Before passing on to an examination and analysis of the constitution, platform, — and program of the Communist Labor Party, it seems pertinent to quote this further excerpt from the article "The Three Parties" as showing the direct connection between the Communist Labor Party and the exponents of communism in Europe:

"If you agree with our platform and program, if you indorse the fundamental principles of communism, if you desore to clasp hands in Communist comradeship with the Bolshevik and the Spartacans in the Third International, and if you believe that all comrades in this country that stand on these fundamental principles should be in one party, then join the Communist Labor Party at once."

Section 4 of article 2 of the constitution of the Communist Labor Party provides that all persons joining said party shall sign a pledge reading as follows:

"I, the undersigned, recognizing the class struggle between the capitalist class and the working class, and the necessity of the working class organizing itself politically and industrially for the establishment of communism, do hereby apply for membership in the Communist Labor Party.

"I have no relations, as member or supporter, with any other political party.

"I am opposed to all political organizations that support the present capitalist profit system and I am opposed to any form of trading or fusing with any such organizations.

"In all my political actions while a member of the Communist Labor Party, I agree to be guided by the constitution and platform of that party."

Section 3 (a) of article 8 of the constitution provides:

"The platform of the Communist Labor Party shall be the supreme declaration of the party, and all State and municipal platforms shall conform thereto."

The following excerpts are taken from the "platform and program of the Communist Labor Party," as adopted at the Chicago convention:

PLATFORM.

"SECTION 1. The Communist Labor Party of the United States of America declares itself in full harmony with the revolutionary working class parties of all countries and stands by the principles stated by the Third International formed at Moscow.

* * * * *

"SEC. 4. The Communist Labor Party proposes the organization of the workers as a class, the overthrow of capitalist rule, and the conquest of political power by the workers. The workers organized as the ruling class, which through their government, make and enforce the law; that is, own and control land, factories, mills, mines, transportation systems, and financial institutions. All power to the workers.

* * * * *

"SEC. 6. To this end we ask the workers to unite with the Communist Labor Party for the conquest of political power to establish a government adapted to the communist transformation."

Under the heading "Party and labor program" the essence of the "principles" as stated in the Third International formed at Moscow, are given. The following in particular are pertinent to the scope of the present inquiry:

"The working class must organize and train itself for the capture of state power. This capture means the establishment of the new working class government machinery, in place of the state machinery of the capitalists.

* * * * *

"The present world situation demands that the revolutionary working class movements of all countries shall closely unite.

"The most important means of capturing state power for the workers is the action of the masses, proceeding from the place where the workers are gathered together—in the shops and factories. The use of the political machinery of the capitalist state for this purpose is only secondary.

"In those countries in which there is a possibility for the workers to use this machinery in the class struggle, they have, in the past, made effective use of it as a means of propaganda, and of defense. In all countries where the conditions for a working class revolution are not ripe, the same process must go on.

"We must rally all groups and proletarian organizations which have manifested and developed tendencies leading in the direction above indicated, and support and encourage the working class in every phase of its struggle against capitalism.

* * * * *

"Not one of the great teachers of scientific Socialism has ever said that it is possible to achieve the social revolution by the ballot."

The following significant paragraphs are quoted from the "Program" of the party:

"(1) We favor international alliance of the Communist Labor Party only with the Communist groups of other countries, those which have affiliated with the Communist International.

"(2) We are opposed to association with other groups not committed to the revolutionary class struggle.

"(3) We maintain that the class struggle is essentially a political struggle, that is, a struggle by the proletariat to conquer the capitalist state, whether its form be monarchical or democratic-republic, and to replace it by a governmental structure adapted to the Communist transformation."

An exposition on the purpose of the Communist Labor Party is contained in a "Special report on labor organizations," which was published simultaneously with the "Platform and program" of the party. It reads as follows:

"The purpose of the party is to create a unified revolutionary working class movement in America."

The same report defines the expression "revolutionary industrial unionism," which expression appears frequently in the official literature of the organization, as follows:

"By the term 'revolutionary industrial unionism' is not meant the organization of the workers into unions but industries with a revolutionary aim and purpose; that is to say, a purpose not merely to defend or strengthen the status of the workers as wage earners, but to gain control of industries."

ARGUMENT.

As is the case with respect to the constitution, program, and other official pronouncements of the Communist Party of America, frequent reference is made in the official documents and pronouncements of the Communist Labor Party to the "revolutionary aim" of the party; to the "capture of State power" by the "action of the masses," and by the "revolutionary working class movement"; to the "overthrow of capitalistic rule and the conquest of political power by the workers"; and to the "conquest of political power" by means other than the ballot. The significance of these phrases, but thinly veneered in the official publications of the Communist Labor Party, is made the more readily apparent when the manifesto and program of the Third International and that of the Communist Party of America are examined and considered in the light of the fact that the Communist Labor Party has publicly declared itself to be "in full harmony with the revolutionary working class parties of all countries and stands by the principles" as stated by the former at Moscow, Russia, in March, 1919, and that there is no "fundamental difference of principle" between it and the latter, as both "based their pronouncements squarely upon that of the Third International." The department has already examined, with care, the constitution, program, and pronouncements of the Communist Party of America, and has held that said organization is one of the character described by the act of October

16, 1918, membership in which renders an alien subject to deportation from the United States.

That it is the intention and the announced program of all Communist parties to establish a communistic form of government, patterned upon that which now exists in Russia, in the United States as well as in other countries of the world is a fact which here needs no argument to support it. In order to bring about the abolition of the existing form of government, which this and other alien organizations have termed the "capitalistic government," revolution is counseled. It is significant to note, in this connection, the recent Associated Press article commenting upon the apprehension of a "Bolshevik" agent while en route to the United States and the seizure of a document found in his possession, signed by M. Bucharin, "president of the Third International of Moscow" and addressed "To our American comrades," which document is said to have contained the outline of a general program for a world revolution. After making allusion to the exclusion of the Left Wing elements from the American Socialist Party, it commented, according to the dispatch, upon the fact that the time is ripe for a Communist Party, for the establishment of a government of workers' soviets, and for carrying on an intensified propaganda among soldier and sailors "for the purpose of forming soldiers' and sailors' soviets." After counseling that these "workers' soviets" should in no wise be allowed to degenerate into philanthropical or social associations, but "should be militant fighting units aiming to control the State and for the dictatorship of the proletariat," the document stated, according to the dispatch, as follows:

"Not one inch should be yielded in this. Your work is the direction of strikes and unemployment and fomenting insurrection. Arming is a paramount necessity, and those demobilized who have revolutionary sympathies should not give up their rifles."

The Communist Labor Party, while it does not possess so large a membership as the Communist Party of America, has ramifications all over the United States, and, like the Communist Party of America, is conducting an intensified propaganda among the alien element in the country (particularly among the Russians, Germans, and Austrians) with a view to adding to its membership list as rapidly as possible. The guiding hand back of all this program is quite clearly the Communist International (or Third International as it is frequently called), the sinister purpose of which organization has already been commented upon briefly.

FINDING.

The bureau finds that the Communist Labor Party of America is an organization of the class inhibited by the act of October 16, 1918, and that the alien Carl Miller, who admits that he is a member of said organization, is in the United States in violation of law and subject to be deported therefrom on the charges which have been alleged against him in the outstanding departmental warrant of arrest. His deportation to the country whence he came, at Government expense, is accordingly recommended.

A. CAMINETTI,
Commissioner General.

Approved.

_____ (unsigned), *Secretary.*

FEBRUARY 21, 1920.

Memorandum for the Acting Secretary:

Referring to your note hereunder of the 14th instant, the bureau presents, herewith, the case of Carl Miller, arrested under the provisions of the act of October 16, 1918, on the ground that he is a member of an organization within the purview of that act, namely, the Communist Labor Party of America. As the Secretary has not definitely and finally held that the Communist Labor Party is such an organization, the Bureau has reviewed, at some length, the constitution, program and pronouncements of said party, and has also endeavored to show its connection with the Communist International, and that it is, to all intents and purposes, identical in its aims, methods of attaining its aims, etc., with the Communist Party of America, which organization the Secretary determined, in the case of Englebrert Preis (No. 54709/495) was such an organization as described by the act of October 16, 1918, mere membership in which renders an alien liable to deportation.

You stated, in your memorandum above referred to, that the Secretary will grant a hearing on the Communist Labor Party "as soon as the bureau is ready," and that the Department of Justice and the attorneys interested should be notified.

The bureau knows of no attorneys (or attorney) that have requested a hearing before the department on behalf of the Communist Labor Party; hence it has not notified any attorneys that a hearing will be granted.

A. CAMINETTI,
Commissioner General.

(Notation in ink:) Received and noted February 24, 1920. John W. A.

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, February 25, 1920.

Memorandum for the Secretary (through the Assistant Secretary).

Attached hereto is the file in the case of Carl Miller (54709/800), who is charged with membership in the Communist Labor Party, which, in the opinion of the Commissioner General of Immigration, is an organization of the class inhibited by the act of October 16, 1918. The Bureau knows of no attorney who desires a hearing before the Department on behalf of that party. The Department of Justice will send a representative when you are ready for the proposed hearing. If you will indicate a day and hour which will suit your convenience, I shall notify the Department of Justice.

JOHN W. ABERCROMBIE,
Acting Secretary.

(Notations in ink:) Noted and transmitted to the Secretary. Louis F. Post, Assistant Secretary, February 25, 1920.

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, March 24, 1920.

Memorandum.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: Carl Miller, member of Communist Labor Party, No. 54709/800.

The hereunder file was transmitted from the solicitor as Acting Secretary to the Secretary by me, as appears from my notation of February 25, 1920, on Mr. Abercrombie's memorandum of same date hereunder. Owing to his absence from illness the Secretary was unable to take up the subject matter for consideration, and as he is now absent from the city in consequence of continued illness, the file has come back to me.

It is now directed that this file be held in the bureau for submission to the Secretary upon his return, through the Assistant Secretary. Meanwhile, release the alien on his own recognizance if satisfied he will appear when wanted for further proceedings. Notify alien's counsel of this action and of the fact that the case is being held for consideration by the Secretary of the question of whether or not the Communist Labor Party is an organization of the class inhibited by the act of Congress of October 16, 1918.

LOUIS F. POST,
Assistant Secretary.

MARCH 27, 1920.

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

We are in receipt this day of telegram from the bureau as follows:

"Assistant Secretary has deferred case of Carl Miller for the present; meanwhile release him own recognizance if you are satisfied he will appear when wanted.

HAMPTON."

As this alien is now out on bond in the sum of \$1,000, and the bond is one given by his own friends, persons of his own nationality, and no premium is charged on the bond, and as I know nothing at all about the alien and am unable to give an opinion as to whether or not he would "appear when wanted," I deem it best to let the matter stand as it is until final disposition is made by the bureau, unless otherwise ordered. This alien was released from jail on the 28th ultimo, the bureau being so notified on that date, and bond forwarded.

W. R. MANSFIELD,
Inspector in Charge.

APRIL 6, 1920.

In re Carl Miller, aged 28 years, German.
Memorandum for the Assistant Secretary.

Referring to your instructions of March 24, relative to the release on his own recognition of the alien Carl Miller, an alleged member of the Communist Labor Party, the bureau has to state that such instructions were transmitted to the inspector in charge at Denver, Colo., where the alien was supposed to be detained, and we are in receipt of advices from that official to the effect that the alien was released on bond in the sum of \$1,000 on February 28.

Inasmuch as this bond was given by the alien's friends, and no premium is being charged, the bureau, unless otherwise instructed, will allow the matter to stand in status quo until the case is finally acted upon by the department.

A. CAMINETTI,
Commissioner General.

(Notation in ink:) Noted O. K. Louis F. Post, Assistant Secretary.

(Whereupon the subcommittee adjourned.)

COMMITTEE ON IMMIGRATION AND NATURALIZATION,
HOUSE OF REPRESENTATIVES,
Thursday, May 6, 1920.

The subcommittee met at 10.30 a. m., on call of Chairman Johnson.

The CHAIRMAN. Secretary Wilson, of the Department of Labor, has given out his decision in the Communist Labor Party deportation cases. He holds that members of the party are not deportable for mere membership. A copy of his decision was handed to me last night. The decision is based on the Carl Miller case, on which case our committee had a statement the other day.

(The Secretary's decision follows:)

DECISION OF SECRETARY OF LABOR IN COMMUNIST LABOR PARTY CASES.

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, May 5, 1920.

Memorandum for the Commissioner General of Immigration (through the Assistant Secretary) in re Carl Miller.

Age, 38; native and citizen of Germany; arrived at the port of Galveston, Tex., in October, 1907.

This is a case arising under the provisions of the act of October 16, 1918. It is alleged that the alien is a member of the Communist Labor Party of America, and that the Communist Labor Party of America is one mere membership in which makes an alien liable to deportation under the act of October 16, 1918. Alien admits his membership in the Communist Labor Party; that he pays his dues in advance, and that he is familiar with the manifesto and program of the party. The question to be determined by the Secretary of Labor is, therefore, does the Communist Labor Party come within the purview of the act of October 16, 1918, making aliens who are members of it liable to deportation?

The language of the act applicable to this case is as follows:

"SECTION 1. * * * aliens who are members of or affiliated with any organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States * * *."

"SEC. 2. * * * shall, upon the warrant of the Secretary of Labor, be taken into custody and deported in the manner provided in the immigration act of February 5, 1917."

In a letter to the Secretary of Labor, dated January 14, 1920, Mr. Swinburne Hale, counsel for the Communist Party, and later for the Communist Labor Party, said relative to making arrangements for hearing in the Communist Party case:

"I have no doubt that if this procedure is satisfactory I can arrange to have similar officials of the Communist Labor Party produced for examination at the same time. You may not, however, feel that this is necessary, since the language of the Communist Labor platform is substantially the same and the number of its members arrested is smaller."

Nevertheless, an examination and comparison of the Communist Party platform and program with that of the Communist Labor Party platform and program discloses some very substantial differences. The Communist Party requires its applicants for membership to sign a card reading as follows:

"The undersigned, after having read the constitution and program of the Communist Party, declares his adherence to the principles and tactics of the party and the Communist International; agrees to submit to the discipline of the party as stated in its constitution and pledges himself to engage actively in its work."

It will be observed that the application for membership requires the applicant to assert that he has read the constitution and program of the Communist Party and that he adheres to the principles and tactics of the party and Communist International.

The Communist Labor Party application for membership is decidedly different. It reads as follows:

"I, the undersigned, recognizing the class struggle between the capitalist class and the working class and the necessity of the working class organizing itself politically and industrially for the purpose of establishing communist socialism, hereby apply for membership in the Communist Labor Party. I have no relations as member or supporter with any other political party. I am opposed to all political organizations that support the present capitalist profit system, and I am opposed to any form of trading or fusing with any such organizations. In all my actions while a member of the Communist Labor Party I agree to be guided by the constitution and platform of that party."

There is in this application and pledge no intimation that the member is required to accept the tactics of the Communist International or the tactics of the Communist Labor Party, except in so far as they are expressed in the constitution and platform of that party. Yet it is not the principles advocated but the tactics proposed to be pursued to secure their adoption which create the deportable condition.

In order that we may clearly understand the duty devolving upon the Department of Labor, it should be pointed out that the recognition of the class struggle between the capitalist class and the working class, the advocacy of the political and industrial organization of the working class to establish communist socialism, the declaration that he has no relations as a member or supporter with any other political party, or the declaration that he is opposed to political organizations that support the present capitalist profit system, and to any form of trading or fusing with any such organization, does not make an alien deportable under the law.

The Communist Party asserts that "communism does not propose to capture the bourgeois parliamentary state but to conquer and destroy it," thereby making clear its intent to use force to attain the end in view. No matter how much mass action or economic power in the form of strikes may be used as a means of propaganda, it would be impossible to conquer and destroy our present form of government without the use of force, unless it is first captured by the parliamentary methods provided by our Constitution and laws.

The Communist Labor Party makes no such definition. On the contrary, in Part I, section 2, of the Party and Labor Program, it declares: "The working class must organize and train itself for the capture of state power."

The Communist Party declares that "participation in parliamentary campaigns * * * is for the purpose of revolutionary propaganda only." The Communist Labor Party makes no declaration to that effect.

Because of these differences the conclusion was reached that the organizations would be passed upon separately and each dealt with in accordance with its own merits.

The principal excerpts from the Communist Labor Party platform and program relied upon to show that the organization is one mere membership in which makes an alien liable to deportation under the act of October 16, 1918, are as follows:

"PLATFORM.

"1. The Communist Labor Party of the United States of America declares itself in full harmony with the revolutionary working-class parties of all countries and stands by the principles stated by the Third International formed at Moscow."

"PARTY AND LABOR PROGRAM.

"Part I: The Communist Labor Party of America declares itself in complete accordance with the principles of communism, as laid down in the Manifesto of the Third International formed at Moscow.

"2. The working class must organize and train itself for the capture of state power. This capture means the establishment of the new working-class government machinery in place of the state machinery of the capitalists.

"6. The most important means of capturing state power for the workers is the action of the masses, proceeding from the place where the workers are gathered together—in the shops and factories. The use of the political machinery of the capitalist state for this purpose is only secondary.

"7. In those countries in which there is a possibility for the workers to use this machinery in the class struggle, they have, in the past, made effective use of it as a means of propaganda and of defense. In all countries where the conditions for a working-class revolution are not ripe, the same process must go on.

"Part II: 6. Not one of the great teachers of scientific socialism has ever said that it is possible to achieve the social revolution by the ballot.

"7. However, we do not ignore the value of voting, or of electing candidates to public office—so long as these are of assistance to the workers in their economic struggle. Political campaigns and the election of public officials provide opportunities for showing up capitalist democracy, educating the workers to a realization of their class position, and of demonstrating the necessity for the overthrow of the capitalist system. But it must be clearly emphasized that the chance of winning even advanced reforms of the present capitalist system at the polls is extremely remote; and even if it were possible, these reforms would not weaken the capitalist system.

"Part III: 1. In America, the capitalist class has never had a feudal aristocracy to combat, but has always been free to concentrate its power against the working class. This has resulted in the development of the American capitalist class wholly out of proportion to the corresponding development in other countries. By their absolute control of the agencies of publicity and education, the capitalists have gained a control over the political machinery which is impossible to break by resorting to this machinery."

"5. It is our duty as Communists to help this process, to hasten it, by supporting all efforts of the workers to create a centralized revolutionary industrial organization. It is our duty as Communists, who understand the class struggle, to point out to the workers that upon the workers alone depends their own emancipation and that it is impossible to accomplish this through capitalist political machinery, but only by the exercise of their united economic power."

"PROGRAM.

"1. We favor international alliance of the Communist Labor Party only with the Communist groups of other countries those which have affiliated with the Communist International."

"2. We are opposed to association with other groups not committed to the revolutionary class struggle."

"7. The party shall make the great industrial battles its major campaigns to show the value of the strike as a political weapon."

In addition to these should be noted the argument by counsel that the tactics of the Communist Party in Russia are the methods intended to be pursued by the Communist Labor Party of America, and that certain statements of prominent Communists relative to the objects of the Communist Labor Party should be taken as showing the intent of the party itself. The tactics of the Communist Party in Russia can have no bearing upon the Communist Labor Party in the United States except in so far as those tactics are accepted or adopted by the Communist Labor Party; nor can the statements made by prominent members of the party be accepted as the expressions of the organization unless the party by its own action adopts the statements.

The excerpts from the Communist Labor Party platform and program quoted above indicate an extremely radical objective, but there is nothing in them that discloses an intention to use force or violence or that is incompatible with the use of parliamentary machinery to attain the radical end it has in view. The belief in, teaching, and advocacy of the class struggle, mass action, the conquest of political power, the dictatorship of the proletariat, socialism, communism, the one big union, shop committees, shop stewards, and other social, industrial, economic and political changes mentioned in the Communist Labor Party platform and program, however reprehensible these things may be to the minds of any or all of our people, do not bring the organization within the purview of the act, as long as it does not propose to use force or violence to accomplish the purpose. If the American people are left free to discuss and decide the questions presenting themselves for consideration from day to day, uninfluenced by the threat of force or violence, they can be relied upon to protect themselves against any false philosophies, wild-eyed revolutions, or dictatorships of any kind.

The Communist Labor Party of America does not come within the scope of the act of October 16, 1918.

There being no evidence, other than membership in this party, to show that Carl Miller comes within any of the deportation provisions of the law, the warrant under which he is held is hereby canceled.

W. B. WILSON, *Secretary*.

The CHAIRMAN. I do not agree with the Secretary. The Communist Labor Party indorses the Third International. The Third International, in its manifesto calls for force and violence. It proposes to attempt revolution here and elsewhere. The Platform and Program of the Communist Labor Party is all printed in one sheet. It is one document. It speaks in one place "for the conquest of political power," but nearly every other paragraph belies that statement. The whole thing is just as bad as the Communist platform, and yet the Secretary says that aliens in the latter are deportable for membership while aliens in the other are not deportable.

I desire to call attention to the failure of the Secretary to quote the entire platform and program of the Communist Labor Party in his decision. For example, he omits the following:

3. This new working class government—the dictatorship of the proletariat—will reorganize society on the basis of Communism, and accomplish the transition from capitalism to the Communist Commonwealth.

Communist society is not like the present fraudulent capitalist democracy which, with all its pretensions to equality, is merely a disguise for the rule of the financial oligarchy—but it is a proletarian democracy, based on the control of industry and the state by the workers, who are thereby free to work out their own destiny. It does not mean capitalist institutions of government, which are controlled by the great financial and industrial interests, but organs of administration created and controlled by the masses themselves; such as, for example, the Soviets of Russia.

4. The dictatorship of the proletariat shall transfer private property in the means of production and distribution to the working-class government, to be administered by the workers themselves. It shall nationalize the great trusts and financial institutions. It shall abolish capitalist agricultural production.

If this be not an expression of belief in the necessity of force and violence for the accomplishment of political ends, I am unable to understand the English language. The Secretary omits the following:

3. We maintain that the class struggle is essentially a political struggle, that is, a struggle by the proletariat to conquer the capitalist state, whether its form be monarchical or democratic republican, and to replace it by a governmental structure adapted to the Communist transformation.

Note the use of the word "conquer." The "proletariat" proposes to "conquer" the "capitalist state," and to establish the "dictatorship of the proletariat."

The Secretary takes note of the following:

The Communist Labor Party of America declares itself in complete accord with the principles of Communism, as laid down in the Manifesto of the Third International formed at Moscow.

Also this:

Not one of the great teachers of scientific socialism has ever said that it is possible to achieve the social revolution by the ballot.

But he refuses to recognize in such statements the threat of force and violence, the belief in forceful and violent means, which they undoubtedly imply. He says they "do not bring the organization within the purview of the act." He refuses to take notice of the causes of existing conditions in Russia; the means by which the present Russian situation has come to pass. He closes his eyes and

ears to the Communist Labor Party's desire to bring about a Russian-style revolution in the United States, that desire being set forth in its platform and program.

When the Communist Labor Party proposes, in its platform and program, to abolish "the present system of production," it necessarily implies that it will use such means as are available for the accomplishment of that purpose. When it says, "Not one of the great teachers of scientific socialism has ever said that it is possible to achieve the social revolution by the ballot" it must be understood as meaning that the use of the ballot for political ends is not a part of its purposes. If it does not propose to use the ballot "to achieve the social revolution," what other weapon does it propose to employ? There is but one, and that is force and violence. Camouflage it as you will; call it by any fancy name you please, such as "mass action," the "general strike," the "class struggle," or the "industrial battle," you can not escape the fact that nothing short of force and violence is proposed.

The Communist Labor Party purposes to create "an industrial Republic"; to replace the existing order by the "rule of the working class." It would "nationalize the great trusts and financial institutions" and "abolish capitalist agricultural production." These purposes necessarily imply confiscation—robbery—and robbery involves and includes the use of force and violence. In other words, the Communist Labor Party proposes to do forceful and violent deeds. Its platform and program flaunt the threat of them. Its every purpose includes and implies them just as the threat of murder includes and implies a threat of assault. Yet the words "force and violence" are not used, and because they are not used the Secretary of Labor says they are not meant. Hence he rules that the party is not amenable to existing law.

Unless there is objection, I will place the Communist Labor Party's complete platform and program in the record. It follows:

PLATFORM AND PROGRAM—COMMUNIST LABOR PARTY.

PLATFORM.

1. The Communist Labor Party of the United States of America declares itself in full harmony with the revolutionary working class parties of all countries and stands by the principles stated by the Third International formed at Moscow.

2. With them it thoroughly appreciates the complete development of capitalism into its present form of capitalist imperialism with its dictatorship of the capitalist class and its absolute suppression of the working class.

3. With them it also fully realizes the crying need for an immediate change in the social system; it realizes that the time for parleying and compromise has passed: and that now it is only the question whether all power remains in the hands of the capitalist or is taken by the working class.

4. The Communist Labor Party proposes the organization of the workers as a class, the overthrow of capitalist rule, and the conquest of political power by the workers. The workers organized as the ruling class, shall, through their government make and enforce the laws; they shall own and control land, factories, mills, mines, transportation systems and financial institutions. All power to the workers.

5. The Communist Labor Party has as its ultimate aim: The abolition of the present system of production, in which the working class is mercilessly exploited, and the creation of an industrial republic wherein the machinery of production shall be socialized so as to guarantee to the workers the full social value of the product of their toil.

6. To this end we ask the workers to unite with the Communist Labor Party for the conquest of political power to establish a government adapted to the communist transformation.

PARTY AND LABOR PROGRAM.

Part I: The Communist Labor Party of America declares itself in complete accord with the principles of Communism, as laid down in the Manifesto of the Third International formed at Moscow.

In essence, these principles are as follows:

1. The present is the period of the dissolution and collapse of the whole system of world capitalism. Unless capitalism is replaced by the rule of the working class, world civilization will collapse.

2. The working class must organize and train itself for the capture of state power. This capture means the establishment of the new working class government machinery, in place of the state machinery of the capitalists.

3. This new working class government—the dictatorship of the proletariat—will reorganize society on the basis of Communism, and accomplish the transition from capitalism to the Communist Commonwealth.

Communism is not like the present fraudulent capitalist democracy which, with all its pretensions to equality, is merely a disguise for the rule of the financial oligarchy—but it is a proletarian democracy, based on the control of industry and the state by the workers, who are thereby free to work out their own destiny. It does not mean capitalist institutions of government, which are controlled by the great financial and industrial interests, but organs of administration created and controlled by the masses themselves; such as, for example, the Soviets of Russia.

4. The dictatorship of the proletariat shall transfer private property in the means of production and distribution to the working-class government, to be administered by the workers themselves. It shall nationalize the great trusts and financial institutions. It shall abolish capitalist agricultural production.

5. The present world situation demands that the revolutionary working class movements of all countries shall closely unite.

6. The most important means of capturing state power for the workers is the action of the masses, proceeding from the place where the workers are gathered together—in the shops and factories. The use of the political machinery of the capitalist state for this purpose is only secondary.

7. In those countries in which there is a possibility for the workers to use this machinery in the class struggle, they have, in the past, made effective use of it as a means of propaganda, and of defense. In all countries where the conditions for a working-class revolution are not ripe, the same process must go on.

8. We must rally all groups and proletarian organizations which have manifested and developed tendencies leading in the direction above indicated, and support and encourage the working class in every phase of its struggle against capitalism.

Part II: 1. The economic conditions in every country determine the form of organization and method of propaganda to be adopted. In order to efficiently to organize our movement here, we must clearly understand the political and economic structure of the United States.

2. Although the United States is called a political democracy there is no opportunity whatever for the working class through the regular political machinery to effectively oppose the will of the capitalist class.

3. The years of Socialist activity on the political field have brought no increase of power to the workers. Even the million votes piled up by the Socialist party in 1912 left the party without any proportionate representation. The Supreme Court, which is the only body in any government in the world with the power to review legislation passed by the popular representative assembly, would be able to obstruct the will of the working class even if Congress registered it, which it does not. The Constitution, framed by the capitalist class for the benefit of the capitalist class, can not be amended in the workers' interest, no matter how large a majority may desire it.

4. Although all the laws and institutions of government are framed and administered by the capitalists in their own interests, the capitalists themselves refuse to be bound by these laws or submit to these institutions whenever they conflict with these interests. The invasion of Russia, the raids into Mexico, the suppression of governments in Central America and the Caribbean, the innumerable wars against working class revolutions now being carried on—all these actions have been undertaken by the administration without asking the consent even of Congress. The appointment by the President of a Council of National Defense, the War Labor Board, and other extraconstitutional governing bodies, without the consent of Congress, is a direct violation of the fundamental law of republican government. The licensing by the

Department of Justice of antilabor strike-breaking groups of employers—such as the National Security League, the American Defense Society, the Knights of Liberty, the American Protective League, whose express purpose was the crushing of labor organization and all class activities of the workers, and who inaugurated in this country a reign of terror similar to that of the Black Hundreds in Russia—was entirely opposed to the principles of the American Government.

Moreover, the war and its aftermath have demonstrated that governing power does not reside in the regularly elected, or even the appointed officials and legislative bodies. In every State, county, and city in the Union, the so-called "police power" is shown to be superior to every law. In Minnesota, Wisconsin, and many other States, so-called public-safety commissions and similar organizations were constituted by authority of the governors, made up of representatives of chambers of commerce and employers' associations, which usurped the powers of legislatures and municipal administrations.

6. Not one of the great teachers of scientific socialism has ever said that it is possible to achieve the social revolution by the ballot.

7. However, we do not ignore the value of voting or of electing candidates to public office, so long as these are of assistance to the workers in their economic struggle. Political campaigns and the election of public officials provide opportunities for showing up capitalist democracy, educating the workers to a realization of their class position, and of demonstrating the necessity for the overthrow of the capitalist system. But it must be clearly emphasized that the chance of winning even advanced reforms of the present capitalist system at the polls is extremely remote; and even if it were possible these reforms would not weaken the capitalist system.

Part III: 1. In America, the capitalist class has never had a feudal aristocracy to combat, but has always been free to concentrate its power against the working class. This has resulted in the development of the American capitalist class wholly out of proportion to the corresponding development in other countries. By their absolute control of the agencies of publicity and education, the capitalists have gained a control over the political machinery which is impossible to break by resorting to this machinery.

2. Moreover, in America there is a highly developed labor movement. This makes it impossible to accomplish the overthrow of capitalism except through the agency of the organized workers.

Furthermore, there is in America a centralized economic organization of the capitalist class which is a unit in its battle with the working class, and which can be opposed only by a centralized economic organization of the workers.

3. The economic conditions of society, as Marx foretold, are pushing the workers toward forms of organization which are, by the very nature of things, forced into activity on the industrial field with a political aim—the overthrow of capitalism.

5. It is our duty as Communists to help this process, to hasten it by supporting all efforts of the workers to create a centralized revolutionary industrial organization. It is our duty as Communists, who understand the class struggle, to point out to the workers that upon the workers alone depends their own emancipation and that it is impossible to accomplish this through capitalist political machinery, but only by the exercises of their united economic power.

PROGRAM.

1. We favor international alliance of the Communist Labor Party only with the Communist groups of other countries those which have affiliated with the Communist International.

2. We are opposed to association with other groups not committed to the revolutionary class struggle.

3. We maintain that the class struggle is essentially a political struggle, that is, a struggle by the proletariat to conquer the capitalist state, whether its form be monarchical or democratic republican, and to replace it by a governmental structure adapted to the Communist transformation.

4. Communist platforms, being based on the class struggle, and recognizing that this is the historical period of the Social Revolution, can contain only one demand. The establishment of the dictatorship of the proletariat.

5. We favor organized party activity and cooperation with class conscious industrial unions, in order to unify industrial and political class conscious propaganda and action. Locals and branches shall organize shop branches to conduct the Communist propaganda and organization in the shops and to encourage the workers to organize in One Big Union.

6. The party shall propagandize industrial unionism and industrial union organization, pointing out their revolutionary nature and possibilities.

7. The party shall make the great industrial battles its major campaigns, to show the value of the strike as a political weapon.

8. The party shall maintain strict control over all members elected to public office—not only the local organizations, but the national executive committee. All public officials who refuse to accept the decisions of the party shall be immediately expelled.

9. In order that the party shall be a centralized organization, capable of united action, no autonomous groups or federations independent of the will of the entire party shall be permitted.

10. All party papers and publications indorsed by the party; and all educational and propaganda institutions indorsed by the party, shall be owned and controlled by the regular party organization.

11. Party platforms, propaganda, dues, and methods of organization shall be standardized.

SPECIAL REPORT ON LABOR ORGANIZATION.

The purpose of the party is to create a unified revolutionary working-class movement in America.

The European war has speeded up social and industrial evolution to such a degree that capitalism throughout the world can no longer contain within itself the vast forces it has created. The end of the capitalist system is in sight. In Europe it is already tottering and crashing down, and the proletarian revolutions there show that the workers are at the same time becoming conscious of their power. The capitalists themselves admit that the collapse of European capitalism and the rise of the revolutionary working class abroad can not help but drag American capitalism into the all-embracing ruin.

In this crisis the American working class is faced an alternative. Either the workers will be unprepared, in which case they will be reduced to abject slavery, or they will be sufficiently conscious and sufficiently organized to save society by reconstructing it in accordance with the principles of communism.

II: 1. By the term "revolutionary industrial unionism" is meant the organization of the workers into unions by industries with a revolutionary aim and purpose; that is to say, a purpose not merely to defend or strengthen the status of the workers as wage earners, but to gain control of industry.

2. In any mention of revolutionary industrial unionism in this country, there must be recognized of the immense effect upon the American labor movement of the propaganda and example of the Industrial Workers of the World, whose long and valient struggles and heroic sacrifices in the class war have earned the respect and affection of all workers everywhere. We greet the revolutionary industrial proletariat of America, and pledge them our whole-hearted support and cooperation in their struggles against the capitalist class. Elsewhere in the organized-labor movement a new tendency has recently manifested itself, as illustrated by the Seattle and Winnipeg strikes, the one big union and shop committee movements in Canada and the West, and the numerous strikes all over the country of the rank and file, which are proceeding without the authority of the old reactionary trade-union officials, and even against their orders. This tendency, an impulse of the workers toward unity for common action across the lines of craft divisions, if carried to its logical conclusions, would inevitably lead to workers control of industry.

3. This revolt of the rank and file must not be allowed to end in the disorganization of the ranks of organized labor. We must help to keep the workers together, and through rank and file control of the unions, assist the process of uniting all workers in One Big Union.

4. With this purpose in view, the Communist Labor Party welcomes and supports, in whatever labor organization found, any tendency toward revolutionary industrial unionism. We urge all our members to join industrial unions. Where the job control of the reactionary craft unions compels them to become members of these craft unions, they shall also join an industrial organization, if one exists. In districts where there are no industrial unions, our members shall take steps to organize one.

III. To labor and labor alone is industry responsible. Without the power of labor, industry could not function. The need of the hour is that labor recognize the necessity of organizations and education. This can not be achieved by attempting to influence the leaders of the labor movement, as has been clearly shown by the actions of the recent convention of the American Federation of Labor. It can only be done by getting the workers on the job to come together and discuss the vital problems of industry.

3. Because of the industrial crisis created by the World War, together with the break down of industry following the cessation of hostilities, and the interruption of the processes of exchange and distribution, there is great dissatisfaction among the workers. But they can find no means of dealing with the situation. Their unions have refused to take any steps to meet the grave problems of to-day; and moreover they obstruct all efforts of the rank and file to find some way by which the workers can act.

4. We suggest that some plan of labor organization be inaugurated along the lines of the shop steward and shop committee movements. These committees can serve as a spur or check upon the officials of the unions; they will necessarily reflect the spirit and wishes of the rank and file, and will educate the workers on the job in preparation for the taking over of industry.

RECOMMENDATIONS.

We recommend the following measures:

1. That all locals shall elect committees on labor organization, composed so far as is possible of members of labor unions, whose functions shall be:

(a) To initiate, or support, the creation of shop committees in every industry in their district, the uniting of these committees in industrial councils, district councils, and the central council of all industries.

(b) To propagandize and assist in the combining of craft unions, by industries, in one big union.

(c) To bring together in the centers of party activity—locals and branches—delegates from factories and shops to discuss tactics and policies of conducting the class struggle.

(d) To propagandize directly among the workers on the job the principles of communism, and educate them to a realization of their class position.

(e) To find a common basis for the uniting of all existing economic and political organizations based on the class struggle.

(f) To mobilize all members who can serve as organizers to fill the demand for men and women who can organize bodies of workers along the lines indicated above.

(g) To direct the activities of local party organizations in assisting the workers whole-heartedly in their industrial battles, and making use of these battles as opportunities for educating the workers.

2. That a national committee on labor organization be elected by this convention, which shall cooperate with the local committees above mentioned. In addition, the national committee shall be charged with the task of mobilizing national support for strikes of national importance, and shall endeavor to give these a political character.

(a) It shall collect information concerning the revolutionary labor movement from the different sections of the country, and from other countries, and through a press service to labor and socialist papers, shall spread this information to all parts of the country.

(b) It shall mobilize on a national scale all members who can serve as propagandists and organizers, who can not only teach, but actually help to put into practice, the principles of revolutionary industrial unionism and communism.

The CHAIRMAN. I have handed to all members of the committee two documents issued recently by the State Department, in which the linking up of these organizations under the "Third or Communist International" for the purpose of world revolution. The State Department says:

The program of the Russian Communist Party is one of world revolution, and the Communist International is avowedly the directing and coordinating center of an international revolutionary movement to establish the "World Soviet Republic." It is impossible to differentiate as to world policy between the Russian Communist Party, the Third or Communist International, and the official Soviet administration, because of the system of "interlocking directorates" common to all three.

Now, then, I presume, under the two rulings of the Secretary of Labor, communist branches in the United States will quickly become communist labor organizations, and then alien members will not be deportable for their part in the general conspiracy.

FEEBLE-MINDED AND INSANE ALIENS.

COMMITTEE ON IMMIGRATION AND NATURALIZATION,
HOUSE OF REPRESENTATIVES,
Friday, May 7, 1920.

A subcommittee, called by Chairman Johnson, met at 10 a. m.

The CHAIRMAN. We asked sometime ago for some records concerning the admission of certain feeble-minded and insane persons into the United States. Lately we asked Mr. Blackwood to secure a statement concerning these. Are you ready with them?

Mr. BLACKWOOD. I have brought copies of some records; also a list of cases. I understand there are many more. The case of Caterina Pace has attracted considerable attention.

IN RE CATERINA PACE—BUREAU FILE 54188/255.

The copies of portions of the bureau's file speak eloquently and need little comment. After the alien succeeded in marrying, a few weeks after her release on parole from Ellis Island, the bureau referred the matter, through the Ellis Island office, to the proper public prosecutor of the State of Connecticut, for the purpose of ascertaining whether or not it was the intention to prosecute the parties responsible for bringing about this marriage. A letter was then received from the prosecuting attorney at Waterbury, Conn., in which he stated that they had had an examination of the woman made by a competent Waterbury physician, who reported that in his opinion she was mentally sound and that there would be no prosecution. We have here the opinion of one physician against three competent surgeons of the United States Public Health Service, who constituted the medical board which passed upon the case of Caterina Pace upon her arrival at Ellis Island from Italy and who pronounced her feeble-minded. The department is bound absolutely by the decisions of the medical officers of the Public Health Service, who have all the experience and equipment necessary for reaching a decision in cases of mental defects.

The bureau attempted to keep in touch with Caterina Pace and secure further reports from her but without success, and accordingly on February 5, 1918, submitted a further memorandum to the Assistant Secretary, which he disapproved, recommending that Caterina Pace's parole be terminated and that she be brought to Ellis Island for detention until her deportation could take place.

On May 1, 1919, the Ellis Island office advised that deportations to Italy were again possible and suggested issuing a warrant of arrest for Caterina Pace. Again a memorandum was submitted by the bureau to the department recommending the issuance of a warrant of arrest, and this time approved by John W. Abercrombie, Acting Secretary. On May 7, 1919, a warrant issued for the alien on the grounds that she was feeble-minded at the time of entry, a person likely to become a public charge at time of such entry, and that she entered without inspection. The warrant was properly served and the record of hearing forwarded to the bureau with the result that upon review of the case the bureau in another memorandum to the department recommended the deportation of Caterina Pace to Italy. This memorandum is dated November 10, 1919.

Mr. Post reviewed the memorandum and pasted the following comments and direction on a slip of paper on the back of the bureau's memorandum:

The cruelty involved in deporting this alien for having been certified at the time of her arrival as being of feeble mind, but who is now clearly shown to be of normal mind, demands that she be not deported unless under all the circumstances of her case the law imperatively requires it. Cancel.

LOUIS F. POST,
Assistant Secretary.

NOVEMBER 15, 1919.

Thus ended the case, Mr. Post preferring to follow the opinion of a physician in Waterbury, Conn., to that of three competent officers of the Public Health Service. The memoranda read as follows:

MARCH 2, 1917.

No. 54188/255. Ellis Island Appeal.

In re Caterina Pace, aged 23, single, native and subject of Italy; arrived at Ellis Island on February 13, 1917, ex steamship *Giuseppe Verdi* (Italian registry).

Memorandum for the Assistant Secretary.

Your instructions of the 1st instant read as follows: "Place in custody of sister pending resumption of deportations on bond for care and surrender."

Before executing the foregoing instructions the bureau desires to respectfully invite your attention to the following facts and circumstances:

Alien was certified to be "feeble-minded," and unanimously excluded solely on the medical certificate without the right of appeal. According to alien's testimony, she has never attended school; her father is dead; and the mother is living in the home town in Italy. An alleged sister of alien appeared as a witness and made a good showing financially. Witness has submitted a petition for temporary admission of alien under a bond to be furnished by witness. On the 23d ultimo the bureau issued telegraphic instructions to stay deportation and forward record. On the 26th ultimo the bureau advised local counsel that alien's exclusion was mandatory under the law and that the service was without jurisdiction to take any action whatever in the matter. A paper purporting to be a form of public-charge bond has been submitted with affidavits vouching for the financial standing of the principal (alleged sister of alien). This alleged sister has also submitted an affidavit in which, while admitting that the alien may be very simple, she denies that alien has ever been feeble-minded; sets forth her financial condition; offers bond; and declares that there is a young man in Waterbury, Conn., engaged to marry alien and who will marry alien, if permitted to do so, the match being approved by the members of the family. One Vito Martinelli, of Waterbury, Conn., has submitted an affidavit in which he states that he is engaged to marry alien; that he expected to marry her on her arrival, and that she left Italy with that intention; that he knew alien in Italy but never knew that she was feeble-minded; that he arrived in this country from Italy in July, 1914. Note the solemn admission under oath of his betrothal to this feeble-minded alien. A statement of the local laws on this question will appear later.

Counsel admits that the medical certificate is conclusive as to the facts certified. He states that this is not the case of a young girl coming here to find work, but to marry. He says if she can be treated here and cured there is no danger from defective children. He requests landing under bond, one of the stipulations of which would provide, among other things, against the marriage of the alien. This proposition is in direct conflict with the declared intention of the fiancé to marry alien as soon as the opportunity presents itself. Such a bond would not be enforceable and being in restraint of marriage would be void on the grounds of public policy. Counsel's contention is that if alien is returned to Italy, there would be nothing to prevent her fiancé from going to Italy, marrying her there and bringing her into the United States as the "wife of an American citizen." The affidavit of the fiancé shows that he has not even as yet become a declarant. Neither has he resided continuously in this country for five years. Moreover, this matter will be called to the attention of the Bureau of Naturalization.

Mr. Francis P. Guilfoile, corporation counsel, Waterbury, Conn., in a letter to the department, vouches for the widowed sister of alien, and declares that alien "will be able to get immediate employment of a very good character in Waterbury." He further states that there is a young man, a boarder in the home of alien's sister, who is engaged to be married to alien and expects to marry her at once, if she is permitted

to remain in this country. He vouches for the fiancé and thinks there is no possibility of alien becoming a public charge in case she is permitted to go to Waterbury to live. This lawyer and public official is treading on dangerous grounds, unwittingly perhaps. Here is the law on the subject. Section 1354 of the General Statutes of Connecticut, page 302, provides as follows:

"Marriage of epileptics and imbeciles.—Every man and woman, either of whom is epileptic, imbecile, or feeble-minded, who shall intermarry, or live together as husband and wife, when the woman is under 45 years of age, shall be imprisoned not more than three years. But nothing herein contained shall be construed as affecting the mutual relations of any man and woman lawfully married on or before the 31st of July, 1895."

Section 1355:

"Procuring or aiding such marriage.—Every person who shall advise, aid, abet, cause, or assist in procuring the marriage of the persons described in section 1354, knowing them or either of them to be epileptic, imbecile, or feeble-minded, shall be fined not more than \$1,000 or imprisonment not more than five years, or both."

The foregoing is contained in the revision of 1902 and all the statutes of the Legislature of Connecticut in its biennial sessions from that date up to the time of the present session have been searched without finding any alteration in the terms of the sections above quoted.

The suggestion of counsel that if alien could be treated here and cured, there would be no danger of defective children is preposterous to say the least. Even a layman ought to know that a feeble-minded person can not be cured of that mental defect. Too much could not be said on the question of the irreparable injury that would be inflicted upon society by allowing a feeble-minded person to marry and thereby set out a strain of mental defectives in the offspring that might continue through generations to come. Our prisons, insane asylums, and eleemosynary institutions are filled with inmates who have had a bad heredity history. The hundreds of warrant cases coming before the bureau and department speak unequivocally on this point. The alienist and neurologist recognizes the fact. The files of the bureau are illuminating on this point.

The bond feature.—Alien belongs to the class whose exclusion is mandatory under the law, and not only is there no authority of law for her admission under bond but District Judge Hand (New York), in *United States v. Illinois Surety Co.*, decided that a bond taken in the case of a mentally afflicted alien (who could not be deported because of war conditions) was invalid because founded upon an illegal consideration, to wit, the landing in the United States of an alien belonging to the mandatorily excluded classes and not included in the class covered by section 26 giving the Secretary discretion to admit under bond. The Solicitor General states that the Department of Justice had reached the conclusion that an appeal from Judge Hand's decision would not be justified. The Acting Solicitor, in an opinion which was approved by you and forwarded to this bureau, reached the conclusion that "the practical effect of the decision of Judge Hand * * * is to render it impossible to draw up a form of bond that will allow the admission, either for temporary admission or for medical treatment, of aliens falling in the classes mentioned."

The bureau recommends that, as a matter of precaution and for the protection of society, this feeble-minded alien be held in detention at Ellis Island until she can be safely deported to Italy, with denial of the application for admission under bond, either temporarily or permanently for the purpose of enabling her to get married.

ALFRED HAMPTON,
Assistant Commissioner General.

Approved:

LOUIS F. POST, *Assistant Secretary.*

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, March 6, 1917.

54188/255.

In re Caterina Pace.

Pending deportation place the alien in the custody of Mrs. Maria Ferraro, of Waterbury, Conn.

LOUIS F. POST, *Assistant Secretary.*

Mr. PARKER: Please have telegram sent out at once—6-10. 30 a. m.
3-7-17.

A. H.

MARCH 7, 1917.

54188/255.

IMMIGRATION SERVICE,
Ellis Island, New York Harbor.

By direction Assistant Secretary parole Caterina Pace to her sister pending resumption of deportations.

HAMPTON.

Attest:

ALFRED HAMPTON,
Assistant Commissioner General.

UNITED STATES DEPARTMENT OF LABOR,
 IMMIGRATION SERVICE,
 OFFICE OF THE COMMISSIONER OF IMMIGRATION,
Ellis Island, New York Harbor, N. Y., April 28, 1917.

COMMISSIONER GENERAL OF IMMIGRATION,
Washington, D. C.

This is in reference to bureau telegram of March 7, 1917, No. 54188/255, which authorizes parole of Caterina Pace, a feeble-minded alien, to her sister, by direction of the Assistant Secretary, pending resumption of deportations. The sister came to Ellis Island on March 8 and executed an affidavit, in which she agreed to make reports as to the alien and produce her for deportation when called upon to do so. The afflicted alien was then released. On April 10 request was made by this office for a report, but no reply was received and I therefore detailed Interpreter Andreaccio to make an investigation in the case. I inclose his report, from which you will note that the alien was married on April 12 to one Vito Martinelli. This is another instance of the inadvisability of paroling girls or women of marriageable age who have been certified to be feeble-minded. It so happens in this instance the husband is not a citizen and the deceit practiced need not interfere with deportation when this becomes possible.

BYRON H. UHL, *Assistant Commissioner.*

I also prepared a list of a few of the cases of the class mentioned. This list reads as follows:

CASES OF FEEBLE-MINDED ALIENS RELEASED BY ASSISTANT SECRETARY.

54171/253. Feeble-minded woman paroled; got married and reported as about to become a mother.

54171/789. Feeble-minded woman paroled by Assistant Secretary without giving bureau opportunity to prepare memorandum or recommendation.

53999/304. Feeble-minded woman paroled and afterwards debauched by her uncle and others.

54171/658. Feeble-minded man paroled.

54171/710. Feeble-minded woman paroled. A peremptory order was issued to Ellis Island in last two mentioned cases.

54189/89, 54171/680, 54188/458, 54290/63. These four cases are of feeble-minded and insane women paroled by Assistant Secretary; two of them got married after parole; one of the ones getting married was insane.

54261/133. In this file there is a list of feeble-minded cases, an interesting bureau memorandum, and reply thereto by the Assistant Secretary.

54188/334. Feeble-minded man paroled by Assistant Secretary.

54188/422. Feeble-minded man paroled by Assistant Secretary.

54188/69. Feeble-minded woman paroled by Assistant Secretary.

54171/789. Feeble-minded woman paroled by Assistant Secretary; got married after in violation of New York State laws.

54171/788. Feeble-minded woman paroled by Assistant Secretary; got married and died leaving a baby.

54171/253. Feeble-minded woman paroled by Assistant Secretary; got married after parole.

54188/441. Feeble-minded woman paroled by Assistant Secretary.

53999/187. In this file is an interesting decision by Federal Judge Hand; also comments from Ellis Island.

54171/631. Feeble-minded woman paroled by Assistant Secretary; got married after parole to American citizen; violated State laws of New Jersey.

- 54290/52. Feeble-minded woman paroled by Assistant Secretary.
- 54188/335. Feeble-minded woman paroled by Assistant Secretary.
- 54171/790. Feeble-minded woman paroled and later married.
- 53999/442. Feeble-minded woman paroled and later married.
- 54050/320. Feeble-minded woman paroled and later married.
- 54188/332. Imbecile woman paroled and married after parole.

Many other similar cases appear in the files of the Bureau of Immigration.

There is set forth below a few other interesting cases identified by file numbers:

- 54192/38. White slaver ordered admitted by Assistant Secretary.
- 54346/412. Illiterate alien admitted by Assistant Secretary. (See also files 54346/802 and 54334/317.)
- 54790/33. Chinese woman admitted by Assistant Secretary contrary to provisions of law.
- 53947/18-B. Chinese allowed to remain in United States for a period of a year contrary to solicitor's opinion.
- 54290/213. Japanese without passport admitted to domicile by Assistant Secretary.
- 54674/14. Barred geographical zone case; conflict between bureau and Assistant Secretary regarding this case; alien ordered admitted.
- 54154/76. Warrant in case of contract laborer canceled by Assistant Secretary.
- 54766/387. Contains interesting argument and decision relative to illiterate alien; decision by Assistant Secretary in favor of alien.
- 54895/484. Sexually undeveloped and highly undesirable alien admitted by Assistant Secretary.
- 54254/78-78-A. Professional beggars at Ellis Island, ready for deportation, paroled to their attorney and lost sight of.
- 54192/38. White slaver, once convicted, admitted by Assistant Secretary.
- 54307/21. Illiterate alien admitted by Assistant Secretary.
- 54302/279. Illiterate alien admitted by Assistant Secretary.

The foregoing are only a few of the many similar cases appearing in the files of the Bureau of Immigration.

ALIENS RELEASED ON BONDS OF A SUM LESS THAN THE \$500 PROVIDED FOR BY LAW.

The CHAIRMAN. You were instructed to learn whether or not aliens were being released on bonds in sums less than that of the \$500 provided for in the immigration act. We will hear your report on this matter.

Mr. BLACKWOOD. There have been a number of aliens released on bonds in sums of less than \$500. I did not attempt to go into this matter very far, but will cite a couple of cases in point.

Bureau file No. 54670/186 is pertaining to the case of one Antonio Pellegrino, an Italian 53 years of age, who applied at the port of New York for admission to the United States, arriving at said port from Italy August 9, 1919. He was held for a board of special inquiry and his examination before said board took place August 13, 1919. During the hearing before said board it developed that the alien had lived in the United States some five years; had left the United States, going to Italy, in August, 1918; that he had a wife and five children ranging in ages from 9 to 27 years, all living in the United States; that he was absent from the United States a year, all of which time he spent in Italy; that he had never taken any steps to become a citizen of the United States prior to his departure therefrom. He was certified by the examining doctor as "being afflicted with senility and hernia right, which affects ability to earn a living." It was found that he could not read in any language and

could only write his own name. The board accordingly denied him admission to the United States as illiterate. An appeal was taken from the board's decision to the Department of Labor, which, after a considerable time, was dismissed by the Assistant Secretary on recommendation of the Commissioner General of Immigration; the Assistant Secretary, however, in dismissing said appeal attached the following worded memoranda:

On account of unusual and grave hardship of peremptory exclusion, admit for two years on \$100 bond of deposit.

LOUIS F. POST, *Assistant Secretary.*

The instructions contained in the foregoing memorandum of the Assistant Secretary were carried out and the alien released on deposit of the sum mentioned.

An interesting fact in connection with the foregoing case is that while the alien was inadmissible at the time he applied for admission, being illiterate, he will, at the end of the two years, be admissible in that he will then have reached the age of 55 and under the provisions of the act can be admitted to join his son even though he still is illiterate.

Bureau file No. 54666/15 is pertaining to the case of Rosario Terrisi, male, 54 years of age, Italian, applying for admission to the United States at the port of Boston, Mass., having arrived at that port August 16, 1919, and being held for a board of special inquiry, was examined by said board August 17, 1919. During the course of the examination it developed that he had made two previous trips to the United States and had lived therein for at least five years prior to his last departure, said departure being two years prior to his last application for admission to the United States; that he had a wife and five children living in the United States, the youngest child having been born in the United States, and then being 4 years of age. The board denied him admission to the United States on the grounds that he was illiterate and under 55 years of age; the case was reopened on order of the commissioner at Boston and another hearing granted him August 20, 1919; the board again denied him admission. His case was taken up to the department on appeal and the Commissioner General of Immigration recommended the excluding decision of the board be affirmed. The Assistant Secretary, in passing on the case, submitted the following worded memoranda:

Admit for one year under the rule on \$50 bond.

L. F. P., *Assistant Secretary.*

AUGUST 26, 1919.

Following the instructions of the Assistant Secretary as set forth in the foregoing memorandum, the alien was admitted for a period of one year on the deposit of \$50.

It is interesting to note that this case, like the case of Antonio Pellegrino, is one in which the alien will have reached the age of 55 before the time fixed for his temporary admission will have expired, and that he then will be of the admissible class under the act, even though he is still illiterate.

It might be added that in both of the cases just cited steps were taken to assess the steamship company bringing the aliens to the United States with fines for bringing illiterate aliens contrary to the provisions of the act.

COMMUNIST AND ANARCHIST CASES.

The CHAIRMAN. Mr. Blackwood have you anything more to report?

Mr. BLACKWOOD. Only that since making my previous report I came across a couple of interesting communist cases and one anarchist case.

The CHAIRMAN. Let us hear of them.

CASE OF VALENTINE GRUNZWEIG.

Mr. BLACKWOOD. The case of Valentine Grunzweig, bureau file 54811/756, is one in which the alien was ordered deported as a member of the communist party, the Assistant Secretary, in compliance with a request from the alien's attorney, issued an order to stay deportation for 30 days. Before notice of stay was received by the field officer the alien had been transferred to New York for deportation. Upon learning this the Assistant Secretary issued orders to take the alien back to Buffalo and there to release him to his attorney and to stay all proceedings for 60 days. He does not attempt to explain why the Government should pay the expenses of the alien and an officer in returning him to Buffalo and probably at the end of 60 days incur the same expense in taking him again to New York. The order of the Assistant Secretary tells the whole tale. It reads as follows:

APRIL 22, 1920.

Memorandum.

For: Commissioner General of Immigration.

From: Assistant Secretary.

Subject: In re Valentine Grunzweig, No. 54811/756.

The hereunder telegram from the Buffalo attorney of this alien (dated Apr. 8) was received by the department on April 9. In order to ascertain the record acts before replying I sent to the bureau for this file. The file did not reach me until April 17, when I ordered stay for 30 days. It now appears that alien was removed to Ellis Island on the 11th. The object of stay was meritorious and could have been accomplished but for the delay indicated above. It is ordered that alien be returned to Buffalo and there paroled to his attorney for 60 days, proceedings to be stayed for that period. Prepare letter of explanation for alien's attorney.

LOUIS F. POST, *Assistant Secretary.*

CASE OF MORRIS KOROLKO.

The case of Morris Korolko, bureau file 54859/497, is that of an alien arrested as a member of the Communist Party. His case was reviewed and a memorandum summary of the testimony prepared and signed by the commissioner general with a recommendation for his deportation. The record came back to the bureau from the Assistant Secretary without the bureau memorandum, but with an order canceling the warrant. As a copy of the original bureau memorandum had been kept in the bureau I was able to secure a copy of same. It reads as follows:

APRIL 16, 1920.

In re Morris Korolko, alias M. Karalko, aged 32, native of Russia, single, literate landed at New York December, 1912, steamship unknown, released on bond.

Memorandum for the Assistant Secretary:

Warrant is dated January 8, 1920. Hearing was accorded at Chicago, Ill., February 13, 1920, alien being represented by counsel.

There was introduced in evidence Exhibit D, statement made by the alien to a special agent of the Department of Justice in January, 1920. In this statement alien admits that he became a member of the Socialist Party five years ago; that he became

a member of the Communist Party last fall when the split occurred; that he is now paying dues to the Communist Party; that he was secretary of Russian Branch No. 1 for the first half of the year 1920; that his branch has 150 members; that he was heartily in sympathy with the government of Trotsky and Lenine; that he attended the soviet school, and that it was necessary to be a member of the Communist Party in order to be allowed to become a pupil there; that radical literature shown him was his; and that he was in favor of mass action as advocated by the Communist Party.

The testimony adduced at the hearing is voluminous and is a complete denial of the statements made by him to a special agent of the Department of Justice. Royal N. Allen, special agent of the Department of Justice, called as a witness, stated that he conducted the examination, reported it, and transcribed the notes, and that the alien had made the statements as contained in the transcript. It is shown from the alien's testimony that his branch of the Socialist Party joined the left wing and later became a part of the Communist Party, automatically going over with a number of other branches in the Federation; that some time in October his branch was expelled from the Communist Party but that he himself was not expelled. Later on in the hearing he contradicts himself and states that he did not become a member of the Communist Party. On direct examination he admits that he is in favor of the soviet government in Russia; that he was in favor of the principles of the Russian Socialist Federation, one of the fundamental principles adopted being that "The Federation is satisfied with the platform of the Communist, the Bolshevik Party of Russia, and expects a better future and the principles of that party;" that he was in favor of all the governments of the world being made like the soviet government in Russia, under the dictatorship of the proletariat, including the United States, as the United States, as he put it, was a part of the world; that he had foreseen in 1919 that after the war the capitalistic system will be bankrupt and the entire world will have to adopt a cooperative movement in big unions like the brotherhood of railroad workers, miners, etc.; that his views were the same as those contained in the language of the constitution; that he believed, as stated in these fundamental principles, that the transition could be accomplished only through the aggravation of the class struggle between the workingmen and the capitalist; that he believed in mass action in order to better the condition of the workers; that he wanted the soviet government for the whole world, and that the soviet of workers should govern the entire world the same as in Russia and displace the capitalists.

The examining officer and the inspector in charge at Chicago forward the record without recommendation.

During the course of the hearing the alien was put on notice of the additional charges that he was an alien who believes in or advocates the overthrow by force or violence of the Government of the United States, and that he disbelieves in and is opposed to all organized government. In view of the alien's admissions it would appear that the additional charges as well as those contained in the warrant are sustained.

The evidence submitted and adduced establishes, and the bureau finds, that this alien is in the United States in violation of the act of October 16, 1918, and is subject to deportation therefor, this on the ground, and it is so found, that he is a member of or affiliated with an organization that advocates, teaches, or entertains a belief in the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law; that he believes in or advocates the overthrow by force or violence of the Government of the United States; and that he disbelieves in or is opposed to all organized government.

It is therefore recommended that the department issue its warrant for his deportation on these grounds, such deportation to be to Russia at Government expense.

(Original signed "A. CAMINETTI.")
COMMISSIONER GENERAL.

Deport:
(Unsigned.)
ASSISTANT SECRETARY.

Copied from copy of memorandum (original of which went to office of Assistant Secretary). T. J. M. And was registered after the commissioner signed it. April 24, 1920. Registered April 19, 1920.

NOTE.—Assistant Secretary's memorandum:

APRIL 22, 1920.

M. Karalko -54859/297 (alleged communist).
The warrant is canceled.

LOUIS F. POST, Assistant Secretary.

NOTE.—Here follow in handwriting the words: "Signed memo went to Asst. Sec. 4-19-20."

CASE OF UDO RALL.

The case of Udo Rall, bureau file 54416/94, is that of a German who was interned during the war; a deportation proceeding was instituted on the ground that he was an anarchist. A memorandum of the Commissioner General of Immigration sets forth the evidence adduced at the hearing, fairly. The warrant was canceled by the Assistant Secretary. The memorandum mentioned reads as follows:

MARCH 29, 1920.

In re Udo Rall; single; age 25; native and subject of Germany; entered at New York ex S. S. *George Washington* on October 10, 1920.

Memorandum for the Acting Secretary:

The above-named alien was arrested at the War Prison Barracks, Fort Douglas, Utah, on the grounds that at the time of his entry into the United States he was an alien anarchist; that after his entry into the United States he has become (or continued to be) an alien anarchist; that he disbelieves in or is opposed to all organized government; and that he believes in or advocates the overthrow by force or violence of the Government of the United States or of all forms of law.

Since entry this man appears to have spent the most of his time in California, and when interned in 1918 he was residing at San Diego, Calif. A number of sworn statements concerning this alien, which are made part of the record, were taken from persons residing in San Diego and other California cities.

Leo K. Stroebel, a substantial and patriotic citizen of Los Angeles, who forbade the alien and his brother to come to his home or hold any communication with his family, because of their anarchistic and free-love tendencies, states that in the course of argument on questions of a social nature had with Rall, the latter told him that he (Rall) was an anarchist and that, from conversations he had with him, he was given to understand that Rall did not believe in government of any kind; also that the alien had extremely radical ideas about politics and marriage relation, being a free-love advocate; and that to his knowledge Rall was a believer in the teachings of Emma Goldman. He further states that Rall told him that he thought people were foolish to submit to any form of government or to the officials acting thereunder. Mr. Stroebel says that in the course of a conversation with Rall he asked him directly if he (Rall) was an anarchist, and that the latter said "yes."

Attention is invited to the sworn statement of Adele M. Outcalt, who says that from 1915 until November, 1916, she employed Rall to teach in the Normal School at San Diego, of which she had charge, and that from her acquaintance with him she found he was a radical and a pacifist. She also stated that it was a revelation to her to know he had Goldman literature. In the course of her testimony she said she did not believe him to be an anarchist of the violent or destructive class, but that he was a "parlor anarchist." This is the type referred to by the bureau and department as philosophical anarchists. The witness further stated that, while she does not believe alien would do any harm, he certainly did entertain these views.

It was, of course, impossible to bring the persons who submitted the sworn statements filed in this case from California to Fort Douglas to attend the hearing. The alien is highly educated and intelligent and positively denies that he is an anarchist or believes in anarchistic principles. He admits having a large number of anarchistic books in his possession when arrested, among which may be mentioned: "Emma Goldman and the Police," "Psychology of Political Violence," "Europe War," "The Ethics of Murder," "Mother Earth," "Mother Earth Bulletin," "Shanghaied into the European War," and "State Socialism and Anarchism." He admitted that he had had these books for a long time. Stated that in fact he had forgotten that he had some of them in his possession, and that many of them he had never read. When questioned as to Mr. Stroebel's sworn statement, he said that he felt convinced that such statements were made against him more as the result of personal animosity on Mr. Stroebel's part based upon unfounded jealousy because of Mr. Stroebel's wife. He says that he is sure that he never advocated or said that he believed in the abolition of government; that his interests in the theory of free love were absolutely hypothetical; that he never expressed any intention of practicing such; and that he never seriously stated to Mr. Stroebel that he was an anarchist. The Department of Justice has furnished the Bureau with a photostat copy of report by Lieut. Col. F. V. S. Chamberlain, to which particular attention is invited, who caused an investigation of the alien at San Diego prior to his internment. It will be seen from this report that Rall is anti-American and pro-German.

Briefly summing up the evidence in this case, the Bureau finds the statements under oath of at least three responsible witnesses to the effect that the alien is a philosophical anarchist and, as such, he is brought within the law. Not only is it shown that he is a philosophical anarchist but that he is anti-American, a conscientious objector against marriage and American conventions and laws and is altogether undesirable. One witness states that alien was a disbeliever in government of any kind, but it is not believed that this charge is sufficiently sustained to recommend taking action on it. The Bureau is of the opinion, however, that there is ample proof to establish the charge that the alien is an anarchist, although of the philosophical variety, and upon that ground his deportation to Germany at Government expense, when possible, is recommended.

A. CAMINETTI.
Commissioner General.

Deport.
Cancel.

LOUIS F. POST, *Assistant Secretary.*

APPENDIX A.

The CHAIRMAN. It might be well to insert at some point in these hearings a letter to W. H. Johnson, associate editor of the Review, New York, from Acting Secretary of Labor John W. Abercrombie. The letter has particular value in that it quotes the present laws pertaining to deportation of anarchists and refers to various court decisions in connection therewith.

(The letter referred to is as follows:

FEBRUARY 14, 1920.

Mr. W. H. JOHNSON,
Associate Editor, The Review,
148 Nassau Street, New York, N. Y.

DEAR SIR: Adverting to your several letters addressed to the department with reference to an editorial article which appeared in the New Republic under date of December 24, 1919, which article took exception to the interpretation which the Bureau of Immigration and the lower Federal courts have placed upon the anarchy provisions of the immigration law and also commented upon certain specific cases, you are advised that an unprecedented press of work in the Bureau of Immigration, to which bureau your letters are referred for the drafting of a reply, is responsible for the delay which has occurred in furnishing you with the information which you seek.

The article in question seems to find particular fault with the construction which the Bureau of Immigration has placed upon the act of October 16, 1918, which construction includes within the deportable classes aliens referred to in the article as "philosophic" anarchists. In this connection, it seems pertinent to quote as follows from sections 1 and 2 of the act in question:

"SECTION 1. * * * Aliens who are anarchists; * * * aliens who disbelieve in or are opposed to all organized government; * * * shall be excluded from admission into the United States.

"SEC. 2. That any alien who, at any time after entering the United States, is found to have been at the time of entry, or to have become thereafter, a member of any one of the classes of aliens enumerated in section 1 of this act, shall, upon the warrant of the Secretary of Labor, be taken into custody and deported * * *. The provisions of this act shall be applicable to the classes of aliens mentioned in this act irrespective of the time of their entry into the United States."

As the law itself makes no distinction between the philosophical anarchist and the anarchist who advocates resort to force and violence to accomplish his aims (abolition of the Government), the department, for reasons which must be obvious, is not justified in construing a distinction. It is, of course, its duty to enforce the law as it finds it, and not to fritter it away by administrative interpretation not justified by the language of the statute itself. As you are perhaps aware, the expression "aliens who are anarchists" has already been made the subject of judicial interpretation by the District Court for the Southern District of New York in the case of Frank R. Lopez (mentioned in the article) as follows (decisions subsequently affirmed by the Circuit Court of Appeals):

"The theory of anarchy and that of government must at all times be in conflict, and I can not believe that the philosophical anarchist, at least so far as his ultimate purpose is concerned, is any less dangerous than is the advocate of violence. Indeed, in a sense the insidious character of the teachings of the one is more to be feared than the teachings and activities of the other."

Assuming, as the department has assumed, that Congress intended that the word "anarchist" should be so construed as to include those aliens who advocate the abolition of government by peaceable measures, the constitutionality of such act would seem to find support in the following language quoted from the Supreme Court's decision in the case of *Turner v. Williams* (194 U. S., at page 294):

"If the word 'anarchists' should be interpreted as including aliens whose anarchistic views are professed as those of political philosophers innocent of evil intent, it would follow that Congress was of the opinion that the tendency of the general exploitation of such views is so dangerous to the public weal that aliens who hold and advocate them would be undesirable additions to our population, whether permanently or temporarily, whether many or few, and in the light of previous decisions, the act, even in this aspect, would not be unconstitutional, or as applicable to any alien who is opposed to all organized government."

It is true, as stated in the editorial, that the deportation of aliens from the United States has been made an administrative function, which is at present vested in the Department of Labor. Our immigration laws in this respect are not materially different from the immigration laws of various other countries. Repeated decisions of the Federal courts of this country (including the Supreme Court) have determined that Congress has the undoubted power to exclude aliens from the United States, to prescribe the terms and conditions on which they may come in, and to establish regulations for sending out of the country such aliens as have entered in violation of law and to commit the enforcement of such conditions and regulations to executive officers. These decisions have further determined that the deportation of an alien who is found to be here in violation of law is not a deprivation of liberty without due process of law, and that the provisions of the Constitution securing the right of trial by jury have no application (*Chae Chan Ping v. United States*, 130 U. S., 681; *Nishimura Ekiu v. United States*, 142 U. S., 551; *Fong Yue Ting v. United States*, 149 U. S., 698; *Lem Moon Sing v. United States*, 158 U. S., 538; *Wong Wing v. United States*, 163 U. S., 228; Japanese immigrant case, 189 U. S., 86; and *United States v. Sing Tuck*, 194 U. S., 161).

The foregoing comment will serve to answer paragraphs numbered (1) and (2) in your letter.

Referring to paragraph (3) of your letter, I beg to state that it is not the desire of the department to enter into any controversy in the press over the cases mentioned, by name, in the editorial, or over any other case or cases, as far as that is concerned. It seems to it to be sufficient to merely state that the records in question received the department's careful consideration when they were pending before it, and that the evidence submitted and adduced in each case satisfied it that the alien was properly a subject for deportation under the law.

With reference to the fourth paragraph of your letter, you are advised that the Bureau of Immigration does not have any extra copies of the records in the six cases which are commented upon in the article. I might add that it would be contrary to the established and general policy of the department to furnish them if it had. The need for establishing such a general policy will, I think, be apparent to you when it is stated that the records of this nature often contain confessions or admissions of a character which would prove embarrassing should they be permitted to come to the notice of third parties; and the department feels that, unless particularly persuasive reasons are shown to exist why they should be furnished to persons having no direct interest in them, it should not violate the confidence which the parties to the records reposed in the Government when they gave their evidence.

As requested in the fifth paragraph of your letter, there is inclosed herewith a copy of the immigration laws and regulations now in force. Your attention is particularly invited to the act of October 16, 1918, which you will find on page 31 of said pamphlet.

Respectfully,

JOHN W. ABERCROMBIE,
Acting Secretary.

The CHAIRMAN. Some light is thrown on the attitude of the department toward particular attorneys representing anarchist and communist deportation cases in the following memorandum from the law clerk of the bureau, W. J. Peters, to the Commissioner General of Immigration.

(The memorandum referred to is as follows:)

FEBRUARY 11, 1920.

Memorandum for the Commissioner General.

I beg to invite your attention to the editorial which appeared in the New Republic under date of December 24, 1919. The New Republic is, as I understand it, listed as a "radical" publication, unfriendly to everything which pertains to the existing form of government in the United States.

You will not need to read the article at any length to discover who furnished the information on which it was based, if he actually did not write it in toto. It has become the custom of this particular attorney (Mr. Recht) to "try his cases" in the radical papers published in New York City.

In this connection, you will note that Attorney Recht represented all six of the cases before the department—at least he represented the Lopez case before it and in the courts, and in the remaining five cases, mentioned by name in the article, his associate, Miss Weiss, appeared in the bureau on October 23, 1919, and asked, on behalf of Mr. Recht, as general counsel for the I. W. W., that she be permitted to review the records in these cases, notwithstanding they had already been decided in the department, and the aliens had apprised the examining inspectors that they did not wish to be represented by counsel in their hearings in deportation proceedings.

See, in this connection, your memorandum of October 23, addressed to the acting secretary (at marker). The bureau, by reason of its past experience with Mr. Recht, questioned his motive in asking the privilege of inspecting these records, notwithstanding which it was decided, after conference with the department, to permit Miss Weiss to review them in the bureau. This was done with the understanding that she would not make copies of any of the papers in the record, which understanding she was observed to be violating some time after they had been turned over to her.

I make the above comment merely to place before you another concrete illustration of the inadvisability of extending to Attorney Recht privileges that it has not been the practice to extend to other attorneys.

W. J. P.

(Noted with approval. C.)

The CHAIRMAN. The following letter from an attorney is also presented:

ROCHESTER, N. Y., May 2, 1920.

Hon. W. B. WILSON, *Secretary,*
Washington:

Matthew Dusevico, held under Labor Department warrant No. 54517-95, ordered for hearing before Immigration Inspector Isaac Martin, at Rochester, Monday, May 3.

Am informed he was first arrested for speech made November 24, 1918; that proceedings to be dropped in last part 1919, when warrant was issued, based upon affidavits made by employers' representative relating to Dusevico's part in the strike.

I am appearing in labor injunction suit on the question of public policy involved and not as attorney on retainer. A deportation hearing in Dusevico's case while the suit for an injunction involving a strike in which Dusevico took part is being tried; may be issued prejudicially to the latter suit and in consequence to the public interest involved in that suit.

Will it be possible to postpone Dusevico's hearing until pending labor litigation is concluded, within a few weeks, and can appropriate telegraphic instructions be sent to the immigration inspector?

I am not interested in the merits of the Dusevico case.

FELIX FRANKFURTER.

Post makes following notation:

Procure report from examining inspector as to prejudice in any to this case (No. 54517-95) if stay of hearing as requested and his judgment as to advisability of stay, with reasons.

Wire stay pending receipt of inspector's report in response to above and action thereon.

Wire Mr. Mr. Frankfurter of above action.

L. F. P.

MAY 3, 1920.

180612-20-3

APPENDIX B.

HISTORY OF THE L'ERA NUOVA GROUP OF ANARCHISTS AT PATERSON, N. J., INCLUDING ACTIVITIES OF CERTAIN LEADERS, OFFICIAL ORGANS, AND CONNECTION WITH THE FRANCESCO FERRER ASSOCIATION.

The CHAIRMAN. A historical sketch of L'Era Nuova group of anarchists of Paterson, N. J., may properly be made a part of these hearings. Numerous arrests for deportation have been made among members of this group. Arms and bombs have been seized recently. Efforts to secure deportation of these anarchist aliens are not meeting with much success.

(The paper referred to is as follows:)

HISTORICAL SKETCH OF L'ERA NUOVA GROUP.

Organized in Paterson, N. J., in 1898, by Gaetano Bresci, the assassin of King Humbert, of Italy, together with one Agresti and Estev and Grannotti. They founded and published the Italian anarchist newspaper *La Questione Sociale*, of which Estev, a Spanish anarchist, was editor and principal writer. Grannotti was the first treasurer of the group and accompanied Bresci from Paterson to Italy to make the assassination. The Italian Government has attempted for two years to locate Grannotti, who was known as "the blond." Bresci was a liberal contributor to *La Questione Sociale*. When the two disappeared in 1900, for the trip to Italy, none of the other members knew what their plans were or where they had gone, until news of the assassination arrived. In the same year Enrico Malatesta (see personal history below) came to Paterson to reorganize the *Era Nuova* Group. He became associated with Estev, editor of *La Questione Sociale*, and lived at the home of the latter 12 or 13 months. Malatesta made frequent editorial contributions to the paper, also went about to lecture to Italian colonists in various cities. Malatesta appears to have advocated more the "organization" rather than the "individualistic" terroristic theory. Immediately upon his return to Italy he became a member of the Chamber of Deputies and began organization activities to further the cause of anarchy. In 1901, at West Hoboken, Malatesta was shot by an individualist terrorist—one Pazzaglio—presumably because of the clash of the two theories. Shortly after this incident Malatesta returned to London, England, where he had many supporters.

Estev frequently lectured before Italian groups in other cities on the subject of anarchy. Ludovico Caminita was secretary of one of these groups—an Italian social club at Jessup, Pa., and in a debate there convinced Caminita that anarchism was a better theory than Socialism—and shortly thereafter, Estev influenced Caminita to come to Paterson to assist him in the group as a writer for *La Questione Sociale*.

In the summer of 1902 Galleane came to Paterson with one Grossman, a Jew; William McQueen, an English anarchist; and Emma Goldman. They became identified with the L'Era Nuova group and conducted the silk dyers' strike, which involved much disorder, violence, and bloodshed. All were indicted and McQueen and Galleane were found guilty of inciting to riot. McQueen died in the State prison. After the unsuccessful termination of the strike, a few of the members of the group—Gallo, Caminita, and Guabello, chiefly—kept the organization alive.

La Questione Sociale continued publication until sometime in 1907, when it was replaced by L'Era Nuova, which was published by Franz Widmer and Caminita, until 1917 when it was barred from the mails and the place raided, but without producing evidence sufficient for prosecution. Several attempts at revival were made without success, and Caminita sought employment as a clerk and subscription manager for *La Follia* in New York City. He remained only a short time before seeking employment in the printing house of Nicolletti Bros., not far away.

During the war, several members of the group were arrested for the circulation of antidraft posters.

When the bomb explosions of June 2, 1919, occurred, there was an explosion at the home of one Klotz, president of the Suanaha Silk Co., who was not connected with governmental activities in any way. The fact that at least two known members of the group had recently been discharged by the company on account of labor trouble, and characteristics of the explosion being similar to those at the homes of officials, furnished the lead upon which the most effective investigation of the nation-wide plot developed, although the investigation passed beyond the L'Era Nuova group

through the connections and associations of certain other members. Copies of the pink circular found in other cities directly connected with the plot also were found in the Paterson angle and are known to have been prepared and printed not by the L'Era Nuova group, but by associates of some of its members.

Within the L'Era Nuova group are men who are skilled mechanics, capable of making death-dealing devices, and there are members who would not hesitate. Each member donates \$5 per week to the "cause." Revolvers were taken from several members of the group.

On the book shelves of the library of the group are several works extolling the virtues of Brecci as a martyr to the "cause."

La Jacquerie (printed in Italian). Official organ of the L'Era Nuova group of anarchists, whose headquarters is Paterson, N. J.

Successor to Il Boletino de L'Era Nuova, and printed by Caminita at Mazzotta's and later at Nicoletti's, where the last issue (January) was printed. Subscribers, about 300, although in a letter recovered and dated November 5, 1909, Caminita states 3,000 copies of the paper were printed at a printing cost of \$45, postage for issue No. 10 was \$28; cost of travel of three companions who went to mail it in other cities, \$5. When Era Nuova was discontinued, its editorial staff sent letters signed "The Editorial Group of the Era Nuova," to subscribers advising them La Jacquerie would succeed and that Caminita would receive the mail, etc.

It is understood the Amalgamated Clothing Workers of America support the paper.

After the paper was printed secretly, various members would meet and prepare the same for mailing, several of them then taking bundles to New York and other cities and depositing a few of the copies in numerous letter boxes. The same method had been followed in the mailing of Era Nuova.

Neither the editor's name nor the place of publication appears on the paper.

In the issue of September 13, 1919 (p. 2):

"Against monopoly and all the ills which follow from it there is only one remedy—the abolition of private property. Every other expedient, even if not silly and useless, is a dishonest subterfuge of which the politicians make use in order to deceive the proletarian masses."

In the same issue, Malatesta (see historical sketch above), writing from England on the subject "The Proletarian Dictatorship," says: "It seems to me that upon this question the opinion of anarchists could not be doubtful and in fact, before the Bolshevik revolution, was doubted by no one, anarchy signifies nongovernment and therefore with greater reason no dictatorship which is absolute government without control and without constitutional limitations." And, referring to the Bolsheviks, he continues "We respect their sincerity, we admire their energy, but, as we have never been in agreement with them on theoretical ground, we shall not be able to consolidate with them when they pass from theory to practice."

Page 3, columns 2 and 3, contain excerpts from the works of Michael Bakunin, under the heading "Our conception of revolution," of which the following is an example: "The means and the condition, if not the principal end of revolution, is the annihilation of the principle of authority in all its possible manifestations; it is the abolition, the complete and, if need be, violent destruction of the State, because the State, the younger brother of the church; as Proudhon has very well proved, is the historical consecration of all despotisms, of all privileges, the political reason for all economic and social enslavements, the very essence and center of every reaction."

In an article on "Race hatred" (page 3, cols. 3-4), and referring to the condition of Negroes, the following appears: "In the United States, this land of the free and the home of the brave, it is a crime to kill a dog but an honor to lynch a negro. * * * During the war, while the American negro soldiers were allowing themselves to be massacred at the French front in behalf of the triumph of democracy, their relatives were being murdered in their own houses by the democratic rabble."

In the issue for September 13, 1919 (p. 2, col. 2), referring to the action of a Federal court against certain Italians deported, an article continues: "We know by experience that no discussion can be held with tyrants. The only method of discussing with them is the open square and the only argument is behind the barricades."

In soliciting financial aid for a new paper—Umanita Nova, La Jacquerie publishes a letter from it (Milan, Italy) which gives in detail the aims of the new publication. The following are interesting excerpts (remembering that La Jacquerie is using them in soliciting money for the publication.)

"We are anarchists in the proper and general sense of the word. * * * No one, above all, could be an anarchist and think of imposing on the others the form (of liberty) which appears better to him. * * * Then (meaning, therefore we advocate) abolition of capitalism, * * * abolition of the State, however camouflaged, with its judicial, military, and legislative organs. * * * And practically the day in

which the government will be overthrown will therefore have the material possibility; taking possession * * * on the part of the insurgent people of all existing wealth, houses, alimentary substances, and other articles of consumption, and equal distribution amongst all, proportionately to the needs and to the available quantities. Seizure on the part of the workers of the land, shops, the means of transportation, raw material, machinery, and other working tools; and an immediate organization of production and exchange by the cooperation of everyone to the advantage of everyone in the manner, always modifiable, and to render it perfect, as judged best by the interested ones. * * * Organized resistance against the possible attempts or reaction and restoration of the false régime. Opposition to every attempt of new governments, new oppressive and authoritative organizations."

It is interesting to note the above by comparison with the tactics of the manifesto of the Communist-anarchists as published by the Union of Russian Workmen of the United States and Canada. *Umanito Nova* is the more detailed and more extreme—especially when considering the Communists would have at least a semblance of authority in the local organizations, communes, or soviets—whereas the anarchists would permit absolutely no authority, according to their theory as expressed above by Bakunin. I agree with them here also that "no discussion can be held," for it would be interesting to find even one authority on the subject who can give some light on "what they would finally do with it after they got it." The point I desire to emphasize is that *La Jacquerie* is soliciting funds for the above propaganda in addition to disseminating it.

Emma Goldman is referred to as "our Emma." (P. 2, col. 1, issue Sept. 13, 1919.)

Under "The military service" the following appears: "The workingmen know of such duty, military duty means to them sacrifices of their strength and their blood for the defense of the stock exchange and the pockets of the capitalists, the very same ones who with the assistance of parliament (or Congress—the same on translation) have exploited, and do exploit the workingmen. And this stupid submission poses as a virtue! The law of compulsory military service is a shameless violation of the principle of individual liberty. * * * the workingmen of every country should unite and proclaim the whole world as their country and fight with all their strength for the abolition of borders and of nations which are divided under different banners."

An article entitled "The Bourgeois Ideal" (p. 3, col. 4, issue of Oct. 18, 1919) justifies the use of violence in the mass struggle. "But as soon as aspirations and contrary ideas begin to enter into the heads of the masses; from the moment that these millions of workers of industry and the soil, tired of their passiveness and not wishing to serve any longer as a pedestal for the liberty and civilization of the privileged minority, begin to claim for themselves their rights as humans and that they show themselves disposed to acquire those rights by violence if necessary—then this system of bourgeois liberalism crumbles to earth. Its humanity is transformed into rage. We have seen it in June, 1848, and we see it everywhere to-day; and its respect for the individual, its cult of liberty, give way to fierce suppression. The political liberalism of the bourgeoisie disappears and not finding in itself the means or the necessary power to suppress the masses sacrificed to the economic preservation of the bourgeoisie, it resorts to military dictatorship." (Taken from the works of Bakunin.)

In the issue for November 1, 1919 (p. 3, col. 2), the following appears in quotations from the work of Bakunin: "Abolish the State, which has no other mission but to protect private property, that is the spoliation of the collective labor of the popular masses by any privileged minority. Once the political States are abolished and the ancient system of organization of society by means of authority is rendered impossible, by what means can society be organized? By means of the free federation of local associations, no longer political, as they are to-day, but economical as they will be, no sooner have they freed themselves from all political rule in one great international association."

In the same issue, under the title "The syndicalists and the anarchists," the following appears:

"If there are any who, though partisans of class organizations, on revolutionary soil, antiprivate property and antiprivate state, can not decide between socialism and anarchy and prefer to call themselves syndicalists, let them do so. The dissent among them will not prevent us from fighting a useful battle with their aid, since we know that we agree with them in many things on the field of action."

Referring to a strike at Utica, N. Y., which involved clashes with the police, the issue of November 1, 1919 (p. 2, col. 2), continues:

"If the strikers could illuminate the earth with the torch of revolution! It would be a ghastly illumination, but it would be the last of its kind."

This is a direct appeal to the strikers for the destruction of law and order.

In its New Year greeting to the anarchists (Jan. 10, 1920), "Oh, assassins of the proletariat, to you, not the evil wishes, but the promise that in the not far future we shall entertain you on the barricades."

Enrico Malatesta (Errico Malatesta), leader in "terrorist-individualist" anarchy. Came from a royal Italian family and renounced all his interest in a large estate. Came to the United States in 1898 from Italy for the express purpose of propaganda. He found Paterson a very fertile field—Bresci (the assassin of King Umberto) and his confederate Grannotti—both members of the Paterson anarchist group when the assassination was plotted—having indicated by their successful attempt that Paterson was the headquarters of a circle of real and willing terrorists. Through the offices of Malatesta, the L'Era Nuova group was definitely formed, always in small numbers and centering around him. Bresci had been a member and Grannotti the treasurer of the same group prior to the arrival of Malatesta, and both of them were considered "graduates."

Malatesta was banished from Italy and lived in London for some time, returning to London from the United States and leaving as his chief representative Ludovico Caminita, with whom he was in constant communication. (Excerpts from published works of Malatesta follow.)

Volunta is an anarchist newspaper printed in Italy on funds secured and with material contributed by Malatesta. Copies of this paper have been found in the possession of L'Era Nuova members, as well as letters from Malatesta regarding funds for the same.

Ludovico Caminita, examined by Agent Stone, Newark, February 14, 1920. Born in Italy, 1879, and graduate of several Italian colleges. Has had first papers 12 years. Came to United States in 1902. (Photo and measurements in file.) Printer by trade. Ordered deported.

Worked for Mazzotta in preparation of reply to article of Carlo Tresca in La Folla. Admits he was editor of La Questione Social; that he has been an anarchist 12 years and was such while he was editor; that he helped to print La Jacquerie at Nicoletti's on Canal Street; that he printed the January (last number) issue of La Jacquerie at Mazzotta's. He is a member of the Francesco Ferrer Association and lectured there. Stated Franz Widmer was editor of Era Nuova. (See historical sketch on "Le Era Nuova group.")

Under cover operative knows that Caminita, in addition to printing La Jacquerie, also supervised the publication and wrote articles for the same. He was the party referred to in the letter to subscribers announcing discontinuance of the publication Era Nuova and the establishment of La Jacquerie as its successor.

Caminita almost from the start has been a moving spirit in the work. He is a fluent, vitriolic writer on anarchistic subjects and typifies in his work the teachings of Malatesta, whose chief representative in the United States he was after Malatesta returned to London, and the two were in constant communication.

Subject was author of an anarchistic pamphlet in Italian and entitled "The Free Country," from which the following is taken:

"A nation ruled by government, whatever may be the form of it, can not boast of true and absolute liberty.

"Does not the Declaration of Independence itself declare that the people have the right to overthrow the Government and to provide new systems for the security of the Commonwealth at any time it is not satisfied with current conditions? Is this in true and complete liberty of thought and action?" * * * "The United States are free on paper; in the practical things of everyday life they are, instead, the antithesis of liberty and equality. The Declaration of Independence and the Constitution are to-day anachronisms for the American people, which do not deserve the honor of a glance, still preserved in archives to furnish documents for the story that America once had men of great hearts and gigantic intellect. * * *

He refers to republican France as "that other wench from the boulevard."

Another phrase which appears is "the law and the idiots who believe in it."

Still another, "Americans who make idols of the laws."

"To live in the bowels of the earth, to grow fatigued, to challenge black death every day, every minute, every instant; and then, when desire is manifest, when a right is claimed, the law of the free country" [the title of the work] "is ready to seal you up from behind with a state of seige, a hedge of bayonets, a deluge of lead." * * *

"Oh, shame and disgrace of this Republic! The Government in silk hat and frock coat, as if in derision of the people who pretend to be free enough, does not wish to be behind any other Government in point of ferocity. Thus, after having imitated the Russia and its despotism in Colorado, it surpasses that by condemnations of class, which would make the worst Trepoff ever did turn pale."

He expresses condemnation of the actions of certain courts in "Free Love" cases and concludes the paragraph:

"This strumpet republic has a cheek of brass, and every reprimand, every insult, every lashing upon its filthy cheeks, can not produce in it any sign of a blush."

He refers to the suppression of *La Question Sociale*, his own newspaper (see historical sketch on L'Era Nuova group), and gives as one of the causes his reference to Czolgosz, the assassin of McKinley as a hero. He then goes into detail, quoting definitions of the word "hero" from various dictionaries and continues:

"Czolgosz, to speak with the psychiatrists themselves of the state, was of sound and balanced mind. He believed that the killing of McKinley was useful to the cause of humanity and accomplished the act himself, sacrificing himself spontaneously under the conviction of doing a good deed.

"Our adversaries, in as far as this may belong to the anarchical and individual acts, may disapprove of the regicide, but it can not be denied that Czolgosz, both in regard to his own courage and in regard to his own good faith in acting, was a hero."

Some of the instances, given as restrictions against liberty of speech, include refusal of the authorities to permit Berkman and Goldman to conduct certain meetings.

In the conclusion, the following appears:

"The United States is ruled by a Government which, in spite of having a splendid Declaration of Independence and one of the best Constitutions, is always a Government, that is to say, the systematic violation of men by men. Such a cause can produce only slavery and misery."

The paper concludes with a warning:

"There will be uncultivated minds, ingenuous souls, timid spirits, but the tamed lion hatches in his brain the plans for revenge. * * *

"This populace which to-day retreats at the sight of your bayonets, which lies down resignedly, terrified by your impious and odious threats, when it shall be in the last stage of desperation, when the cramp in its stomach shall have exasperated it, when the delirium of misery will have made it wild will know how to hurl itself blind with rage and revenge upon your bayonets and to pass, drunk with blood, victorious over your corpses. * * *

"On that fatal day the populace will succeed in rising up against this most dastardly social system, against this vile Government which is crushing us, against this most disgusting Republic.

"In the meantime may our voice enkindle the spirit of rebellion in the breasts of the helots of all the world, and may the sparks of that little fire which burns in our breasts overspread the whole proletarian world and kindle the great, gigantic, and destructive fire of social revolution."

Fermino Gallo, alias Frank Gallo, one of the original members of the L'Era Nuova group. Proprietor of the Modern Sociological Library. Conducts a store where all types of anarchistic and radical literature is sold. Is considered "the brains" of the anarchist propaganda, and through his *Sociologica Libreria* uses the mails to send propaganda to all parts of the United States. The print shop of Widmer is in the rear of this man's store, which is a casual meeting place of many anarchists, who purchase there anarchist publications of Italy, France, and the United States. Copies of the New York Communist, the Freedom, American Anarchist Federated Soviet Commune, Soviet Russia, the Revolutionary Age, *Il Nuovo Proletario*, *Volunta*, and *le Reveil* are on sale and were purchased by operative. A pamphlet purchased there gives the address of a circle of anarchists known as the Gruppo Autonomo, East Boston, Mass., also *Cronaca Sovversiva*. Among other evidence found there was a receipt for dues paid into the Communist Party and application for membership in the I. W. W.

In a letter dated July 23, 1919, from Los Angeles, one "Fasano" tries to encourage the disheartened Gallo by referring to the excellent work of the latter in disseminating anarchist propaganda, and remarks, "I am sure that anarchists and sympathizers are more numerous now in America than in the time of Malatesta and Goni. Isn't that sufficient? Of course, according to our wishes this is not sufficient, and we wouldn't be satisfied even if a revolutionary movement would be spread over the whole world. Even then we wouldn't say 'Yes, but we are not in anarchy.'"

He corresponded with Luigi Fabbri in Italy, whose place was raided in connection with an attempt by D'Alba upon the life of King Victor Emmanuel.

Arrested during the war for distribution of antidraft literature.

Sent 100 liras to Genoa, Italy, in 1911, evidently as a contribution to an anarchist work. Referred to in a letter dated January 14, 1912, from one "Tomaso," at Genoa, to Grande. (Refer to "Umanita Nova.")

Serafino Grande, Italian alien, 34 years old; common-law wife and one child in Paterson. Active member of L'Era Nuova group, of the Francesco Ferro Association,

and the I. W. W., and was believed to be implicated in the bomb explosion at the home of his former employer in June, 1919. Also was a member of the shop committee which called on the employers during the strike at the mills.

Prosecuted in Italy for anarchist activities.

Eligio Strobino, an anarchist, wrote him from San Francisco, on August 4, 1917, requesting him to ask Guabelle "if he has any friend to whom I can trust for an affair."

Deportation warrant canceled April 13, 1920.

Franz Widmer, alias Francis Widmer, Italian alien, and one of the leaders of the anarchist group in Paterson. Admits he has been an anarchist for 20 years. Member of L'Era Nuova group, and for some time editor and publisher of the newspaper L'Era Nuova, which was suppressed. (See historical sketch above.) Has printed publications and circulars for the I. W. W., and paper of the same tint and texture as that used on the circular "Plain words"—found near the home of Attorney General Palmer after the bomb explosion there on June 2, 1919—was found in his printing shop, which is known as the New Era Press. Hundreds of copies of anarchistic books, pamphlets, etc., were found in the shop.

Ludovico Caminita, who does the printing, insists that the subject is the editor of La Jacquerie. (See that subject.)

Widmer's initials appear on an article entitled "The execution of a hyena," which appeared in the Social Question, with regard to the Frank Steunenberg, ex-governor of Idaho, by a dynamite bomb, at his home at Caldwell, Idaho, in 1906. The article states the newspaper account and proceeds:

"On our account we'll add a little history which, by itself, and better than anything else, will justify the energetical act of the unknown rebel who consummated the vengeance of the people on that hyena."

The history which follows, covers the action of the governor in sending troops to a strike, and the article concludes:

"The last reports add that the executed hyena survived only 25 minutes to the attack with which the people's vengeance has so rightly hit him. And those 25 minutes were too many.—F. W."

Warrant canceled April 13, 1920.

Benjamin Mazzotta, an old-time anarchist and member of L'Era Nuova group since 1899. Printer and proprietor of the shop in which La Jacquerie is printed.

John Ferraro, active member of L'Era Nuova group and engaged in propaganda for the I. W. W.

Castello Graziano, active member of L'Era Nuova group. Meetings are occasionally held at his home.

Cincotto Coppo, Italian alien, 44 years old; wife and children in Paterson. Active member L'Era Nuova group and subscriber to anarchist newspapers. Admitted former membership in I. W. W., but claims card found belongs to wife and daughter. Collector of funds and treasurer for L'Era Nuova group.

Pietro Baldisserotto, Italian alien, 34 years old; wife and child in Paterson. Member of both L'Era Nuova group and Francesco Ferrer Club. Skilled mechanic by trade. Deportation warrant canceled April 17, 1920.

Severno Espi, Spanish alien, 34 years old, single. Former member of I. W. W. Member of both L'Era Nuova group and Francesco Ferrer Association. Paid contributor to L'Era Nuova, from which he received 30 cents per 100 words.

Umberto Croce, Italian alien, 33 years old; wife and child in Paterson. Member of L'Era Nuova group and Francesco Ferrer Association; subscriber to anarchistic papers. Printer by trade and assists in the publication of La Jacquerie. Deportation warrant canceled April 26, 1920.

Alberto Guabello, an original member and one of the three active leaders of the L'Era Nuova group, since the unsuccessful attempts at terrorism during the 1902 silk dyers' strike, participated in by Emma Goldman and others. (See historical sketch of the group.) Italian organizer for I. W. W. Writes for La Jacquerie. Deportation warrant canceled April 10, 1920.

Andre Grazione, member of L'Era Nuova group and engaged in propaganda work for the I. W. W.

Taldi Coppo, active member of the L'Era Nuova group.

Salvatore Palmieri, Italian alien, 22 years old. Active member of both L'Era Nuova group and Francesco Ferrer Association, attending the school of the latter. No evidence other than membership.

Caesar Palmieri, Italian alien, 30 years old. Active member of L'Era Nuova group and attendant at meetings of Francesco Ferrer Association. No evidence other than membership and association with other members of the groups. Deportation warrant issued and canceled on March 26, 1920.

Pietro Marino, Italian alien, 27 years old, wife and child in Paterson. Member of L'Era Nuova and Francesco Ferrer Association. No additional evidence.

Paolo Guabello, Italian alien, 27 years old, married; wife and child in Paterson. Member of L'Era Nuova group and large quantity of anarchistic literature by Caminita and Propotkin found among his effects. Also propagandist for the I. W. W.

Spartaco Guabello, born at Paterson, N. J., 19 years old. Member and formerly secretary of Francesco Ferrer Association. Denies he is an anarchist. Fled to Mexico to evade military service and upon his return was indicted and served five months at Del Rio, Tex.

Francesco Pitea, Italian alien, 23 years old; single. Member of L'Era Nuova group and Francesco Ferrer Association. Denies he is an anarchist. Deportation warrant canceled April 9, 1920.

Jacques Pitea, Italian alien, 34 years old; common-law wife and child in Paterson. Brother of Tony and Frank Pitea, all being members of the Mutual Aid Society, which is a camouflage for an anarchist group in Paterson. Claims he is a Left Wing Socialist or Social Democrat and believes in such a government as exists in Germany at present. Known to be a member of L'Era Nuova group and claims the anarchistic literature found in his suitcase was purchased at a festival. Known by under-cover operative to be interested, with his brothers, in distribution of Volunta, Proletario, and Libretario. Deportation warrant canceled March 26, 1920.

Umanita Nova (New Humanity), anarchist daily newspaper published in Milan, Italy, by Errico Malatesta and others. Subscription blanks contain instructions to forward mail either to the Milan address or to Libreria Sociologica, Paterson, which is owned by Fermino Gallo. These subscription blanks were sent into practically every State in the Union and a number of them returned to Gallo. Lists of contributors to the fund for establishing the paper and found in the possession of Gallo, contain the names and amounts from 460 contributors in California, Illinois, New York, Connecticut, Pennsylvania, Ohio, Massachusetts, Kansas, Michigan, and several other States. One contributor in Jerome, Ariz., signs "The Executioner" instead of his name. Individual amounts range from 10 cents to \$7. Total known contributions sent to Gallo, \$355. Proceeds from many festivals, picnics, dances, etc., were sent direct to Milan, and do not appear on the Paterson lists; this information being procured from acknowledgments appearing in the first copy of the paper received. The first issue of Umanita Nova is dated February 27, 1920; and for some time an average of 10 copies a day arrived in Paterson alone.

Under the heading "Our propositions" the following appears:

"Abolition of capitalism with its system of production.

"Abolition of the State (every State) with its legislative, judicial, and military organs.

"Constitution of free communities (anarchist communities) voluntarily united in effective brotherhood and cooperation of all the people of the world.

"Seizure (by the workers) of the land, factories, medium of transportation, machines, and all other tools and organization of production and exchange.

"Organized resistance against the possible attempt of reaction and reestablishment of the overthrown régime.

"Opposition to any attempt at new governments, or authoritative and oppressive organizations."

La Folla (The Mob), bimonthly organ of the Italian Interstate Federation of New York, New Jersey, Pennsylvania, and Connecticut. The editor and business manager is G. Valenti, and the address of the publication 7 East Fifteenth Street, room 505, New York City.

This is the Italian paper which accused Ludovico Caminita of being a spy, which resulted in a bitter controversy. It is claimed the "exposure" of Caminita was caused by his attack on Carlo Tresca.

Francesco Ferrer Association, "philosophic" anarchist organization. Composed largely of the sons of members of the L'Era Nuova group, but also including members of that group. Most of the members are under 21 years of age. It is the purpose of the association to inculcate among the young Italians the principles of the L'Era Nuova group. The foundation of its teaching is anarchy. An educational committee arranges meetings and lectures by prominent members of the L'Era Nuova group and others, using the guise of education. In January, 1920, there were 37 paid-up members. I. W. W. influences have been at work in the attempts of one Blossom, organizing secretary for the I. W. W. at Paterson. However, the anarchistic theory does not agree, and effort is being made to force Blossom out of the association by certain radical members.

During the war the Ferrer Club maintained a strong antidraft propaganda through circulars and posters.

Ludovico Caminita (see *L'Era Nuova*) speaks every Friday night on the subject of anarchy. James Gallo, son of Fermino Gallo (see personal paragraph), is the leading spirit in the association and chairman of the "educational" committee.

On December 9, 1919, prior to the departure on the *Buford*, Emma Goldman and Alexander Berkman wrote a joint letter to the Young Men's Ferrer Club, the original having been recovered. It contains, in part, the following:

"We appeal to you most probably for the last time: * * * Friends, we have often in the past called upon you to support the great struggles for free speech, * * * and for numerous similar causes. Your response has always been fine-spirited and generous. Indeed it was your affection and cooperation that have been our greatest inspiration and support."

The Ferrer colony at Stelton, N. J., is an anarchist settlement established about three years ago and consisting of about 200 families as permanent settlers. In the summer the colony is increased to 300 by visiting radicals who commute to Philadelphia and New York. The colony is not incorporated, but their modern school is incorporated under the laws of the State of New Jersey, and attempts are being made to organize schools at Detroit, Buffalo, Cleveland, Pittsburgh, San Francisco, Erie, Pa., and Washington State.

They publish a monthly magazine called the *Modern School*, which magazine is devoted to libertarian ideas in education. The editor is Carl Zigrosser, and the circulation manager, E. W. Pratt. In the number for September, 1918, appears an article entitled "The Ferrer Modern School; Interpretation and Appraisal," by William Thurston Brown, from which the following is taken:

"The Ferrer modern school consists of a group of men and women with vision, who launched this school eight years ago in New York, and who, with still greater and surer vision, planted it here three years ago last May. * * * They saw about them a visionless school system; the public machine in charge of the system. They felt education to be the most precious thing life holds the possibility of. * * *

"Four years ago, where now Ferrer colony stands, there was nothing but an unusually ugly farmhouse, an uglier barn, and 140 acres of poorly cultivated land, with a stream of water that never runs dry winding its way in graceful curves through a part of it, fringed for most of its course with bushes and trees. It was on such a site that those men and women of vision and courage and idealism proposed to organize a school whose produce should be education. * * *

"The creation of a true school at Stelton depends upon the moral, intellectual, and spiritual development of Ferrer colony. The atmosphere of Ferrer colony can not be one thing, and that of the school a totally different thing. The one can not be sordid and the other fine, the one narrow and the other broad, the one trivial and the other earnest. Every member of Ferrer colony is as really a teacher in the school as if he were included in its staff.

"What has happened during these three years on this 140 acres of land? It is not much to say that nowhere in America has so remarkable a change been wrought in three years as here. Houses and shacks to the number of 51 have been built, and the population in summer must be not less than 200. About 20 families live in Ferrer colony the year through. * * *

"A dormitory housing 24 children in single beds has been built, its central room equipped with sanitary toilets, a bathroom and tub, washbasins for the children, and a shower bath. * * * September 1, on land belonging to the school, a swimming pool 120 by 60 will be dedicated. * * * Mistakes have been made, and much remains to be done before we can approach very closely to the fulfillment of our hopes. While we have in Ferrer colony the beginnings of a moral and spiritual atmosphere impossible in the average community, on account of its blindness and conservatism, more remains to be done in this direction and an æsthetic conscience has been conspicuous by its absence. * * * What of the school itself—its curriculum, its methods, its results? * * *

"It takes time to demonstrate results in education. Its proofs can be seen only in character, in personality, in the quality of manhood and womanhood, in the vital citizenship produced. Progress is also registered in the growing clearness of vision and conviction as to goal and methods in the minds of teachers. Mere members in the teaching staff do not signify. Passing examinations is no test. The evidence of progress is to be found in the minds and spirits of teachers quite as much as in the mind and spirit of pupils.

"Convincing demonstration of the value of our school has been made by the record of pupils who have gone from this school to high school. * * * Our two graduates who have just completed a year in high school could not have passed the entrance examinations. By an oversight they were admitted without examination. But one of them has been told she can finish high school in three years instead of four—no

doubt both can—and both have been unsurpassed in scholarship and unequalled in other and more significant ways.

"Who make the best citizens for America? Boys and girls who are mere echoes, parrots, who accept the conventional views of their teachers or of society at large, without question? Or boys and girls who show themselves capable of forming their own moral judgments, who see the defects as well as the excellencies of the political or social system in which they live, and who have courage to make known what they think? If not the latter, citizenship has neither meaning nor value. Measured by the above standard, graduates of the Ferrer Modern School belong in a class by themselves in any high school in America. They have at least the foundations of citizenship for a dynamic society—a social order that grows and outgrows. * * *

"WILLIAM THURSTON BROWN."

Brown is the director of the school and Joseph J. Cohen, acting director. The curriculum of the school is founded on the usual pedagogic system with the elimination therefrom of patriotic and religious concepts. In other words, the love of country or the doctrines of Christianity are not taught, being inconsistent with the principles of the so-called modern thought, which, stripped of its subtle definitions, is anarchy. In fact, the reasons for the establishment of this colony find root in the principles of anarchy, the predominant motive being the avoidance of all governmental (Federal, State, or municipal) control or direction, merely observing such forms as are expedient, the aim being to ultimately practice pure anarchy. The cult at present finds expression in but few of the anarchistic doctrines, viz, communism, although modified to the extent of the owners of the land owning and having legal title to the property; internationalism, national boundaries, and allegiance to any State being tabooed.

This latter phase finds expression in a uniform failure of any of the colonists to purchase Liberty bonds or war savings stamps, the failure on the part of all concerned to exhibit the American emblem, whereas a large red flag was prominently displayed from the water tank on the day Germany declared its first revolution at the Kiel Canal, which as is well known as a Sparticide movement, and the American flag, Liberty bonds, and other mediums of expression of patriotic sentiment have no part in their doctrines and the red flag being the color of blood symbolized mankind rather than any one country. Although free love is not practiced nor encouraged, and the children are not permitted to run about naked in the hot weather, their code provides for liberalism and respect for living and no insistence is made upon the marriage state; they believe it is no concern of theirs whether a man and woman are married so long as they conduct themselves properly.

As to religion, every person in the colony would worship God in his own way and accordingly the church is not recognized there. The colonists located at Stelton, each with a small farm raising produce and chickens only wants to be left alone to live their life in their own way basing the desire in the common law doctrine of all humans living so as not to interfere with the rights of others, and the others on their part not interfering with them.

APPENDIX C.

SUPPLEMENTAL LIST OF COMMUNIST PARTY DEPORTATION CASES.

The CHAIRMAN. For the information of the committee I shall insert in the record at this point a supplemental list of Communist Party deportation cases which have come to hand since our subcommittee hearing of two weeks ago. Some of these cases may have been listed in previous reports made by Mr. Blackwood. For the most part, though, they are new cases.

(The list referred to is as follows:)

Charles Lauer (Karoly Lauer), Detroit, Mich. Admitted to Special Agent Apelman, of Department of Justice, on night of his arrest that he was a member of the Communist Party. Alien denied that Hungarian Branch No. 10, of which he is a member, became a part of the Communist Party. Records of State office, Communist Party, show that a charter was issued to Hungarian Branch No. 10 on December 15, 1919. Local inspector recommends deportation. Commissioner general concurs. Warrant canceled March 18, 1920.

Herbert Theodore (Feodor Drobet), Philadelphia, Pa. Admitted membership in Communist Party and belief in its principles. Was apprehended at a Communist Party meeting. Believes in "Free-love marriage." Local inspector recommends deportation. Commissioner general concurs. Warrant canceled March 18, 1920.

Izadore Milascusky, alias Jime Miller, Detroit, Mich. Denies membership in Communist Party, but admits membership in the Lithuanian Association of America and the Socialist Party, and that they are now called the Communist Party. Alien admitted being present at a meeting when they decided to change to the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

N. Ward, Minneapolis, Minn. Alien admitted signing, as secretary, application for charter in the Communist Party. However, at alien's preliminary examination before an agent of the Department of Justice he denied having signed this application for charter. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 17.

Aleksy Romanishtyn or Romanyshiny, Detroit, Mich. Admitted membership in Branch No. 3, Communist Party. Membership card bearing stamp of Communist Party shows dues paid to December 31. Has taken no steps toward acquiring citizenship in the United States. Local inspector recommends deportation. Commissioner General concurred. Warrant canceled March 18.

Peter Artuchin, Detroit, Mich. Admitted membership in Russian Branch No. 3, Communist Party, and had paid dues to the party. Affirmed his belief in the principles of the Communist Party, and was arrested at a meeting of said party. Local inspector recommends deportation. Commissioner General concurred. Warrant canceled March 18.

Osip Woloch, alias Joe Wallach, alias Joseph Zaloch, Buffalo, N. Y. Admitted having joined the Communist Party, but attempted to show that he joined that party to get dancing lessons. He admitted, however, that he never saw any dancing at the hall where he attended meetings. Local inspector recommends deportation. Commissioner General concurred. Warrant canceled March 18.

Sergass Dridar, alias Sergay Dradar, Fort Wayne, Mich. In an affidavit, dated January 7, 1920, made before special agent of the Department of Justice, alien admitted membership in the Communist Party. At the formal hearing before immigration inspector alien repudiated these statements. The special agent and the notary before whom affidavit was made testified that same was made voluntarily by the alien, and that contents were fully explained to him. Local inspector recommended cancellation, however; inspector in charge at Detroit declined to concur, and recommended deportation. Commissioner General concurred. Warrant canceled March 18.

George Grike or Groki, Detroit, Mich. Admitted attending meetings of the Communist Party. Alien stated to agent of the Department of Justice, at a preliminary interrogation, "I am a member of the Lettish Branch Communist Party." Local inspector recommended cancellation, but inspector in charge at Detroit refused to concur and recommends deportation. Commissioner general concurs in recommending deportation. Warrant canceled March 18.

Jacob Domanowski, Detroit, Mich. Admitted being a member, in good standing, of the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Petko or Peter Ganeff, Buffalo, N. Y. Testified that after his branch was expelled from the Socialist Party, in July, they organized into the Communist Party, and that in September his organization joined the National Communist Party. Was elected as delegate to represent the Bulgarian Branch of the Communist Party at its local headquarters. Had paid his dues into and considers himself a member, in good standing, of the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Fiodor Demitrakoff or Theodore Demitrakoff, Buffalo, N. Y. Identified his original application for membership in the Communist Party. Admitted paying dues into and attending meetings of that party. Alien's name appears on official membership list of the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Alexander Cottick, alias Alexander Kotek, Boston, Mass. Admitted that he was a member of the Communist Party and had been for six months. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Ewookim or Ewdoken Virych, Detroit, Mich. Admitted making affidavit before agent of the Department of Justice on January 25, 1920, stating that he became a member of the Communist Party in September and paid dues to December. When examined by counsel alien sought to repudiate statements made in the affidavit. Alien was arrested at a closed meeting of the Communist Party at the Communist headquarters. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Matfey or Martin Shatevich, Detroit, Mich. Membership record of the secretary of the Russian Branch No. 3 Communist Party shows alien's name. Alien also admitted orally to agent of the Department of Justice, after his preliminary examination on January 5, 1920, that he was a member of the Russian Branch No. 3 of the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Anthony Jankowski, Detroit, Mich. Alien identifies and acknowledges statement made by him to agent of the Department of Justice, on January 6, 1920, but denies the correctness of this statement in the part wherein it states that he is a member of Branch No. 3 Communist Party. Evidence shows that he was fully acquainted with facts contained in this statement before its execution by him. He was arrested at a closed meeting of Branch No. 3 Communist Party. Local inspector recommends deportation. Commissioner general concurs. Warrant canceled March 18.

John Stalmach, Detroit, Mich. Identified and acknowledged the statement made before agent of the Department of Justice on January 3, 1920 in which he admitted that he is a member of the Polish section of the Communist Party and that his membership card was at home. Membership book in the Polish section Communist Party contains the name of alien and shows that his dues were paid through December, 1919. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 15.

Paul Falkowsky, Minneapolis, Minn. Admitted membership in Russian branch Communist Party and stated that he is a member in good standing. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Dobrowolky, Mike, alias Dobovolky, Detroit, Mich. Alien made statement before agent of the Department of Justice, in which he admitted that he joined the Communist Party about six months ago and that he has attended meetings of the organization about once a month since. Local inspector recommends deportation. Commissioner general concurs. Warrant canceled March 17.

Scetaw or Stephen Shaskin, Buffalo, N. Y. Admitted joining the Communist Party and that the constitution, manifesto, and program of the Communist Party were read to him and that he subsequently attended the meetings of that organization. Local inspector recommends deportation. Commissioner general concurs. Warrant canceled March 17.

Anton Mazur, Buffalo, N. Y. Denied being a member of the Communist Party, even after being shown his original application for membership in that organization; admitted receiving a membership card which he stated was the same as the membership card issued by the Communist Party; identified his original application for membership in the Communist Party and admitted that he had never resigned from that party. Local inspector recommends deportation. Commissioner general concurs. Warrant canceled March 17.

Anton Felix Srok, alias Alma Strok, Milwaukee, Wis. Admitted membership in the Communist Party. Admitted that he subscribes to the teachings of that organization. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 17.

John Hewes, Cleveland, Ohio. Admitted membership in the Communist Party; also admitted being previously the secretary of Ukrainian Branch No. 1 of the Communist Party. Admitted writing letter in which he referred to himself as a Ukrainian Communist and sending greetings to the Ukrainian Red Army and all Communist soviets. The letter concluded with the words "Long live Third Communist International: long live Socialist revolution." Admitted relief in the dictatorship of the proletariat. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 17.

Stiepan Ponko, Baltimore, Md. Alien's name appears on membership rolls of the Union of Russian Workers, Baltimore. Admitted having attended two meetings of that organization. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 17.

Jakov or Jakob Fesiuk, Baltimore, Md. Name appears on membership rolls of the Union of Russian Workers. Admits that he attended some of the meetings of the Union of Russian Workers; the last one on the Sunday prior to the day that he was taken into custody. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 17.

Simon Oleshko, Baltimore, Md. Alien's name appears on the membership roll of the Union of Russian Workers. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 17.

Elia Ratkowski, Chicago, Ill. Arrested while attending a meeting of the Union of Russian Workers. When examined by an agent of the Department of Justice, on

November 8, 1919, alien admitted that he formerly belonged to the Union of Russian Workers, but stated he left the organization about three months before. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 17.

Sebastian Fromherz, Cleveland, Ohio. Admits belief in "direct action and sabotage" and does not believe in any form of government. At hearing testimony of two witnesses showed that alien had admitted that he believed in the overthrow of this Government by violence and, if necessary, by force. Commissioner general recommended deportation. Warrant canceled March 17.

Jim (Demian) Lisuk, Detroit, Mich. Alien testified that he was "in favor of being a Communist" and that he attended meetings of that party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Andrij Pulanacki, Detroit, Mich. Official records of the Communist Party show alien to be a member, in good standing, of that party, Oswiata Branch No. 8. Was arrested while attending an alleged school in the hall where the Communist Party conducts its meetings, in Chicago, Ill. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

John Mihalich, St. Louis, Mo. Testimony showed that the alien was a member of the local branch of the Communist Party and that he attended meetings of and paid dues into that party as late as last October. Nothing in the record to show that he ever withdrew from that organization. Inspector in charge at St. Louis recommends deportation. Commissioner general concurred. Warrant canceled March 18.

W. Kazulewski, alias Walter, Detroit, Mich. In a statement to agent of the Department of Justice, sworn to before a notary, alien stated he was sent as a delegate from the Oswiata Polish section of the Communist Party to a convention of the Michigan and Ohio branches of the Communist Party, held in Detroit, September 13 and 14, 1919. Testimony at hearing shows that alien spoke at three meetings, advocating a dictatorship of the proletariat and the overthrow of the Government of the United States. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Thomas Brugila, Des Moines, Iowa. The record establishes membership in the Communist Party; membership application made by secretary of Branch No. 160, upon authorization by alien. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Mrs. Louis or Rosa Berinhout, Jacksonville, Fla. Alien's name is on the financial book of the Jacksonville branch of the Communist Labor Party as a member of that organization. Admits that social meetings of that organization were held at her home but claims not to have been present at other meetings. Husband is a member of the Communist Labor Party and subject has expressed a willingness to be deported with him. Inspector in charge at Jacksonville recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Andrew Jankowy, Buffalo, N. Y. Admitted membership in the Communist Party. Stated that he had attended meetings conducted by that party and believed in its teachings. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Joseph Blaszczak, Buffalo, N. Y. Admitted membership in the Communist Party. Identified his original application for membership, as well as his temporary membership card in that organization. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Joseph Markevitz, Norwood, Mass. Alien testified that he is a member of the Communist Party. When asked if he believed in the principles of the Communist Party, he answered, "I don't know all the principles, but I believe in such as I understand." Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

George Kreipovic, Kansas City, Mo. Alien name appears on the roster of the Communist Party and his dues paid up to January 1, 1920. Alien claims that he never attended any meetings of that party, except upon the occasion of his joining same. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Vid Simunjak, alias Silumgak, Detroit, Mich. Admitted joining Southern Slavic Branch No. 17 of the Socialist Party and going with that branch into the Communist Party. Stated that his membership card in Communist Party was in his trunk. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Tony Rodnisky or Robmisky, Detroit, Mich. Evidence contained in the record shows that he is a member of the Communist Party and was secretary of the Russian Branch No. 5. Was arrested at headquarters of the Communist Party. Local in-

spector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

John Shewick or Shewik, Detroit, Mich. Admitted membership in the Communist Party. Dues paid up to the end of 1919. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Simon Kostuk, alias Semeon Kostuk, Seattle, Wash. Admitted membership in the Union of Russian Workers and that he believed in the principles of that organization. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Hristo Kokur, alias Harry Kocur, Buffalo, N. Y. Admitted membership in the Communist Party, admission being corroborated by original application for membership in that party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 12.

Notation by the Assistant Secretary, as follows: "The unlawful Communist Party did not exist at the date of this alien's application for membership, namely, August 2, 1919. The membership application is not the one quoted in the Secretary's memo. in the Preis case and does not bring alien within the purview of the act of 1918, as interpreted by that memo. He appears to have done nothing since that application to identify him with the unlawful organization. (Signed:) L. J. P." March 13, 1920.

Stefan Kowalchuk or Kovalchuk, Detroit, Mich. Admitted membership in the Communist Party at Buffalo, N. Y. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

George Honzich, Detroit, Mich. Admitted membership in the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 12.

Michial Piatko or M. Petchko, Buffalo, N. Y. Admitted membership in the Communist Party, admission being corroborated by original application for membership in that party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 12.

Note by Assistant Secretary: "Communist Party did not exist at the time of the application, and there is no evidence to bring alien within the Secretary's decision in the Preis case."

Sam Karpenko, Courtland, N. Y. Admitted membership in the Communist Party and identified his membership card in that organization. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Efim Pavlenko, Courtland, N. Y. Denies having been issued a membership card in the Communist Party, but identifies his name on the original list of members of the Courtland branch of the Communist Party. Was arrested at Communist Party headquarters, New York. Commissioner general recommends deportation. Warrant canceled March 13.

Ivan Kebanuk, Courtland, N. Y. Denies that he is a member of the Communist Party. However, documentary evidence in the form of an original list of members of the Courtland branch of the Communist Party shows that he is, in fact, a member of that organization. Admits recently attending two meetings of the Communist Party at Courtland, N. Y. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

John or Valerian Makovetzky, Courtland, N. Y. At first denied membership in the Communist Party but qualified later by testifying that he attended meetings of the Communist Party and paid his dues into the party the day he was arrested, thereby in substance admitting membership. Name appears on the original list of members of the Courtland branch of the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Joseph Samoff, alias Bolko, Detroit, Mich. Affidavit submitted by a special agent of the Department of Justice discloses that the alien admitted membership in the Union of Russian Workers, Cleveland branch. Also that alien admitted being a member of the committee of defense of the Union of Russian Workers, Detroit, Mich. Had in his possession several copies of the Manifesto of the Anarchists-Communists. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

John Sudack, Detroit, Mich. Admitted that he was a member in good standing in the Communist Party, with dues paid to date (Jan. 24, 1920). Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Steve Poleshuk, alias Stephen, St. Louis, Mo. Witness testified that he was a member of the Communist Party and knew subject to be a member of said party and that he had seen subject's membership card. Name appears on list of members

taken from the finance book of the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Andrew Ecetay, Detroit, Mich. Admitted membership in the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Max Sewuk, Cleveland, Ohio. Denies membership in the Communist Party. However, membership card was found in his room. In a statement to a special agent of the Department of Justice, on January 5, 1920, alien admitted membership in the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 15.

Mike Mihalowsky, or M. Michaelowsky, Buffalo, N. Y. Admitted membership in the Communist Party; admission being corroborated by original application for membership in that organization. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Leon Sulkowski, or Suiski, St. Louis, Mo. Alien claimed that the Polish section of the Socialist Party, of which he was a member, had never been properly affiliated with the Communist Party. Admitted, however, that in November last he had been notified that the Polish section of the Socialist Party had affiliated with the Communist Party. At the time of his arrest alien admitted to a special agent of the Department of Justice that he had organized a Polish branch of the Communist Party; that he was still a member and was in full accord with its program. Inspector in charge at St. Louis recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Akim Tischenko, or Okim Tischeukoo, Buffalo, N. Y. Admitted membership in the Communist Party; admission being corroborated by original application for membership in that organization. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Joseph Majewski, Buffalo, N. Y. At first denied membership in Communist Party, but when confronted with a witness admitted that he had joined that organization while under the influence of liquor. Membership book of the Communist Party, together with application of alien for membership, show him to be a member of the organization. Demeanor of the alien at the hearing and the contradictory manner of his testifying are such as to discredit the denials made by him, in contradiction of the documents introduced in evidence showing membership in the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Tadija Solar, Omaha, Nebr. Admitted that he and other members of his branch in the Socialist Party went over to the Communist Party in October, 1919, but claimed that his entire organization voted to drop connections with the Communist Party the end of October, 1919. Alien has been unable to offer any evidence in support of his claim. A membership card, which he identifies as his own, bears dues stamps issued by the Communist Party, shows that his dues had been paid to and including November, 1919. Inspector in charge at St. Louis recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Vladimir Danilovich, alias Beragumipar D'Amuroburo, Boston, Mass. There was introduced in the evidence a document in the handwriting of the alien and signed by him, which was a duplicate of an application to the Soviet Government, Bureau, New York, for return to Russia. In this application the alien stated that he was a member of the Communist Party. Alien admitted to a special agent of the Department of Justice that he was a member of the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Frank Senesy, alias Ferdinand Senese. In a signed statement for special agent of the Department of Justice dated January 22, 1920, he admitted membership in the Liebknecht branch of the Communist Party, Detroit, having become a charter member in October, 1919. Alien acknowledges the truth of the statements made therein and stated that he is the corresponding secretary of the branch of which he is a member. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 15.

Efim Wiskoff, alias Vickryl Evfille, alias Effir Wiskoob, Boston, Mass. Admitted membership in the Communist Party. Membership card showed his dues paid up to the 1st of January, 1920, introduced in evidence. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Joe Berko, or Bozko, Rockford, Ill. Admitted membership in the Russian branch of the Communist Party at Rockford, Ill. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Wasyl Ambroziak, Detroit, Mich. Identified and acknowledged a statement made before an agent of the Department of Justice on February 6, 1920, in which statement

he admitted membership in the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Joseph Szmatka, alias Smythe, alias Schmidt, Detroit, Mich. Identified and acknowledged a statement made by him, before an agent of the Department of Justice, January 15, 1920, in which he admitted membership in the Oswiata branch, Polish section, Communist Party, and that his dues were paid to January, 1920. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Andrew Antczak, alias Ande Antczak, Detroit, Mich. Denied membership in the Communist Party. Admitted membership in the Socialist Party and later stated that when the Socialist Party went over into the Communist Party he retained his membership. In a signed statement, made before a special agent of the Department of Justice, he admitted membership in the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Staniylaw, or Stanislaw Putat, or Putha, or Putaj, Detroit, Mich. Identified and acknowledged the statement made by him to an agent of the Department of Justice on January 3, 1920, in which he admitted that he is a member of the Communist Party. Testified that his dues are paid to the 1st of January, 1920. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Ignaty Badyak, Detroit, Mich. Admits prior membership in the Union of Russian Workers, membership ending at the beginning of the year 1919. Denies present membership in any organization. Arrested at the "House of Masses." In a statement made to a special agent of the Department of Justice alien admits attending meetings of the Communist Party. In the hearing before immigration inspector alien manifested indifference in respect to remaining in the United States and stated that he believes in the Soviet principles of government. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Anton Krznarich, Detroit, Mich. In a sworn statement made before a special agent of the Department of Justice alien admitted that he was a member of the Communist Party and that he had burned his membership card because he "got scared" on account of the arrests of Communists. Was arrested at the American Railway Express Co. office while in the act of receiving a large package containing the Croatian paper Novi Zivot, published by the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Elko Sedilo or J. Sedilo, Buffalo, N. Y. Admitted membership in the Communist Party; admission being corroborated by original membership card in that organization. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

John Krechnok, Detroit, Mich. Admitted joining the Communist Party in September, 1919, but claimed that he was a member for but one month. However, there is no evidence shown substantiating the statement that he withdrew from the party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Andro Malinowicz, alias Andrew Malinowyck, Buffalo, N. Y. Admitted membership in the Communist Party; admission being corroborated by original application for membership in that organization. Local inspector recommends deportation. Commissioner General concurred. Warrant canceled March 13.

Jacob Hrikorash, Cortland, N. Y. Admitted membership in Communist Party and identified his membership card issued by that party. Was arrested at Communist Party headquarters, Cortland. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Ierente Lukshevieck, alias K. Lukshevieck, Rockford, Ill. Testimony conclusively shows that he is one of the class of aliens who does not believe in organized government. Local inspector recommends deportation. Commission General concurred. Warrant canceled March 13.

John Yugovich, alias Siugovich, St. Louis, Mo. Admitted membership in the Communist Party. Also admitted that he had possessed a membership card in that organization but had lost same. Local inspector recommends deportation. Commissioner General concurred. Warrant canceled March 13.

Nick Zailac, Detroit, Mich. Alien admitted that when the branch of the Socialist Party, of which he was a member, joined the Communist Party that we went into the Communist Party with them. Testified that his membership card in the Communist Party was somewhere at home. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 12.

Harry Marchuk, Detroit, Mich. Admitted being a member, in good standing, of the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Kondriati Krukowicz, alias Kypkoitch Krukowicz, Detroit, Mich. Admitted membership in the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Matree Tabiss, Detroit, Mich. Admitted membership in the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Peter Borofski, Philadelphia, Pa. Admitted membership in the Communist Party and identified his membership card in same. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

John Horoschinia, Chicago, Ill. At a hearing before immigration inspector on November 20, 1919, he testified that he was formerly a member of the Union of Russian Workers, but that he left the organization about eight months ago. He was arrested, however, in the West Side Auditorium, where he was assisting in the sale of "Bread and Freedom," the official organ of the Federation of the Union of Russian Workers. Testimony shows that alien admitted to agents of the Department of Justice on November 7 that he was a member of the Union of Russian Workers. Commissioner general recommends deportation. Warrant canceled March 13.

Frank, or Feodor Kozavich, alias Kozakevich, Detroit, Mich. Admitted membership in Communist Party and that his dues were paid up to date, when arrested. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 11.

Archie Schealest, alias Archie Schelest, Philadelphia, Pa. Admitted membership in the Russian branch of the Communist Party. Also admitted having been arrested in Russia, when a student, for revolutionary activities. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Dusan, or Dan Basarich, Milwaukee, Wis. Admitted membership in the Communist Party and has been attending meetings thereof at least once each month, last meeting he attended being very shortly before his apprehension. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 22.

Kastontas Talzumas, alias John C. Miller, Boston, Mass. Was arrested while attending a meeting of the Communist Party. Had membership card in the Communist Party, indicating that his dues were paid up to December 20. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 22.

Gregory Pelik, Detroit, Mich. Was arrested at a meeting of the Communist Party at Communist Party headquarters at Detroit. An agent of the Department of Justice testified that this meeting was called for the purpose of discussing the arrest of other members of the Communist Party, two days preceding, and that it was a secret meeting and the word had been passed around that only members would be admitted. Department of Justice agent also testified that the alien admitted to him that he attended meetings of the Communist Party once or twice a month. Local inspector recommends deportation on the ground that alien, if not an actual member of the party, is closely affiliated with it. Commissioner general concurred. Warrant canceled March 22.

Julian Rudzinsky, Detroit, Mich. Admitted membership in the Russian Branch No. 3 of the Communist Party at the meeting place of which he was arrested. Original membership card in name of this alien was introduced in evidence. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 22.

John Kiss, Detroit, Mich. In a sworn statement made by alien, before an agent of the Department of Justice on January 3, 1920, he admitted membership in the Communist Party, Hungarian Branch No. 13. Admitted that he was arrested at the place where Hungarian Branch No. 13 were holding a meeting. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 22.

Anthony or Anton Furman, Boston, Mass. Admits membership in and payment of dues to the Communist Party; admission corroborated by possession of membership card of the Socialist Party, containing dues, stamps of the Communist Party up to September, 1919, and a Communist Party membership card showing dues paid for the months of November and December, 1919. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 22.

Edwin Lacher, or Lacquer, St. Louis, Mo. Admitted that he was a member of the eighth and ninth ward branch of the Socialist Party at the time the so-called left wing thereof, fused with the Communist Party. That he continued to be a member of that

branch, received and distributed literature in connection therewith, until December, 1919. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 22.

Joe Caryn, alias Joseph Farris, alias Yusef Forys, Philadelphia, Pa. Two witnesses, detectives of the city police department, testified that alien had admitted to agent of the Department of Justice that he was a member of the Communist Party and had attended its meetings. Membership card in the Communist Party was found in alien's home. Card was not made out in the exact name of the alien, but he admitted to the agent of the Department of Justice that it was his property. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 22.

Theodor Nikituk, Seattle, Wash. Admitted membership in the Union of Russian Workers. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 22.

Alexander Gorski, Buffalo, N. Y. Identified his original application for membership in the Communist Party and admitted paying dues and attending meetings of that party; also identified application card for two other members of the Communist Party, which he admitted indorsing, which shows that he is an active member of that party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 22.

David Lichterman, Omaha, Nebr. Admitted membership in the Communist Party and admitted being a believer in the principles and tactics of that organization. Local inspector recommends deportation. Commissioner general concurred. Assistant Secretary of Labor ordered that case be held until the Secretary of Labor decides whether or not the Communist Labor Party is an illegal organization. March 22.

Julius Nesterov, alias Nesterov, Fresno, Calif. Alien identifies his application for membership in the Communist Labor Party. Also identifies his membership card in the Communist Labor Party. Local inspector recommends deportation. Commissioner general concurred. Assistant Secretary of Labor ordered that case be held until the Secretary of Labor decides whether or not the Communist Labor Party is an illegal organization. March 22.

John B. Antopietro, Boston, Mass. Admitted membership in the Communist Labor Party; admission being corroborated by original application for membership in that party. Local inspector recommends deportation. Commissioner general concurred. Assistant Secretary of Labor ordered that case be held until the Secretary of Labor decides whether or not the Communist Labor Party is an illegal organization. March 22.

Howaha Spiridon, Spiridom Hawaga, Philadelphia, Pa. Alien was shown a card announcing a special membership meeting of his local, Philadelphia, Communist Party and admitted that this was his property. Admits that he joined the party in November and paid three months' dues. Later admitted that his local was Russian Branch No. 1 Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 30.

Alexander Zazem or Hazem or Sazem, Philadelphia, Pa. Admitted that he was a member of the Russian Branch No. 1 of the Socialist Party and identified his membership card, to which is attached Communist Party stamp for dues. Admitted membership in the Communist Party and that he was treasurer of Russian Branch No. 1 of the Communist Party. Documentary evidence and other testimony show that alien is active in the affairs of his branch of the Communist Party and made contributions to that organization and that he was arrested while attending a meeting of the Communist Party on January 2, 1920. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 27.

Teranty Solovey, or Falazey, alias John Cenichock, Philadelphia, Pa. Admits membership in Communist Party. Membership card in that organization properly identified was introduced in evidence. Alien testified that since October, 1919, he has held the office of secretary in the Russian Branch of the Communist Party at Atlantic City, N. J. Stated that he is not altogether acquainted with the principles and tactics of the party, but that same are being taught to him; that he understands what is being taught and believes in the principles of the Communist Party. Has attended meetings regularly and believes in mass action. Local Inspector recommends deportation. Commissioner general concurred. Warrant canceled March 25.

Peter Salek, or Salich, Detroit, Mich. In a statement made before special agent of the Department of Justice, which was introduced in evidence, alien admitted that he was a member of the South Slavic Branch No. 17 of the Communist Party. Evidence showed that alien knew the Socialist Party, of which he was a member, became a part of the Communist Party and that he considers himself a member in

good standing at the present time and from what he knows is satisfied with the doctrines of communism. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 30.

Nick Tischenko, alias S. Tkach, Milwaukee, Wis. Admitted membership in the Communist Party. Stated that he desires the kind of government here that there is in Russia. Also stated that at the time of the split in the Socialist Party he went over with the Russian branch from that party into the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 29.

Frank P. Lichodziewski, alias Frank P. Peterson, Boston, Mass. Admitted membership in the Communist Party. States that he joined the Communist Party because all his friends joined. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 26.

William Palk, Detroit, Mich. Claims that he never joined the Communist Party; that he belonged to the Socialist Party and did not know the Socialist Party had joined the Communist Party. However, application for membership in the Communist Party of one Tom Fox was introduced in evidence and one of the two indorsers of the application was the alien, subject of these proceedings. Alien finally admitted that this indorsement was signed by himself. Underneath the signature of the indorser on the application bears the words "application must be indorsed by two members in good standing." Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 27.

Philip Borovik or Borowick, Philadelphia, Pa. Membership card in the Communist Party showed dues stamps for the months of October and November, 1919, had been introduced in evidence and alien acknowledged ownership of same. There was also found in the alien's possession ticket for a special membership meeting of the Communist Party, held January 7, 1920, which the alien admitted ownership of. Stated that he considered himself a member of the Communist Party but later modified that statement by saying he considered himself nearer the Socialist Party than the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 29.

A. Lazaruk or Affanasij Lazaruk, Baltimore, Md. Stated that he was first a member of the Socialist Party but now is a member of the Communist Party. Has full cognizance of the change from one party to the other. Admits having Communist Party card. Dues in the Communist Party are paid up. Stated that he joined this party because his friends joined. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 26.

Stanley Karpowicz, Grand Rapids, Mich. In a statement before agent of the Department of Justice on January 2, 1920, alien testified that he was then a member of the Communist Party and identified charter issued by that organization to the Polish Branch No. 80, of which he had been a member three months. At hearing before immigration inspector alien admitted the truthfulness of that testimony and stated that he had been a charter member, attended meetings, and paid dues to Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 29.

Nick Torbiak, Indiana, Pa. Admitted membership in the Communist Party, Coal Run Local No. 59; admission is corroborated by original membership card in the Communist Party showing dues paid to November, 1919. Local inspector recommends deportation. Commissioner general concurred. Assistant Secretary of Labor ordered that proceedings be stayed for three months and that the inspector in charge at Pittsburgh be instructed to report at end of that period. (Mar. 31.)

Joseph Grabowski, Detroit, Mich. Stated that he did not join the Communist Party, but that he had been a member of the Socialist Party. Admits that he was secretary of his local and attempted to resign in October, but that his resignation was not accepted, and that he finally did resign in December. Admits that he has attended business and mass meetings of his local since September. Also stated that he does not intend to give up his membership in the Communist Party, stating that he intends to remain a member. Local inspector recommends deportation. Commissioner general concurred. Assistant Secretary of Labor ordered that proceedings be stayed three months and inspector in charge be instructed to report at the end of that time. (Mar. 31.)

Ignatz Sagan or Saganek, Detroit, Mich. Admitted previous membership in the Socialist Party, and in a statement on January 8, 1920, before an agent of the Department of Justice, alien admitted that he had been a member of the Socialist Party for a year, which party was then recognized as the Communist Party, of which he was a member. Admitted that his dues in the Communist Party were paid to January 1, 1920. Alien is indifferent as to whether or not he is deported. Local inspector rec-

ommends deportation. Commissioner General concurred. Assistant Secretary of Labor ordered that bail be reduced to \$1,000 and alien be released on bail at that sum. (Mar. 31.)

Peter Brkasic, Pittsburgh, Pa. Admitted that he was a member of the Communist Party and that he had paid dues. Membership card identified by alien as belonging to him showed that his dues were paid up to December 31, 1919. Alien claims that he severed his connection with that party; however, there is no evidence shown to substantiate that claim. Local inspector recommends deportation. Commissioner General concurred. Assistant Secretary of Labor ordered that proceedings be stayed for three months and that inspector in charge be instructed to report at the end of that period. (Mar. 31.)

Wladislaw or Franciszek Haberski, Buffalo, N. Y. Stated that he was induced to join the Communist Party by a friend and that he became a member on the 27th of November, 1919. Paid 50 cents dues. Stated that he attended a ball of the Communist Party on December 31, 1919, and was handed a membership card at that time. Admitted that at the time he was arrested he took his membership card out of his pocket and destroyed it because he was scared. Identified and acknowledged his torn membership card which was introduced in evidence. Local inspector recommends deportation. Commissioner General concurred. Assistant Secretary of Labor ordered that proceedings be suspended for eight months. (Mar. 23.)

Alexander Sokaluk, Camden, N. J. Admitted membership in the Communist Labor Party and identified his membership card in that organization. Stated that he had read the platform and program of that organization and believes in same. Local inspector recommends deportation. Commissioner general concurred. Assistant Secretary of Labor ordered that case be held until the Secretary of Labor decides whether or not the Communist Labor Party is an illegal organization. (Mar. 26.)

Lem Azipak, Philadelphia, Pa. Admitted membership in the Communist Labor Party, Russian branch, and that he attends meetings of that organization regularly. Local inspector recommends deportation. Commissioner general concurred. Assistant Secretary of Labor ordered that case be held until the Secretary of Labor decides whether or not the Communist Labor Party is an illegal organization. (Mar. 26.)

Wasili Laryneuk, Philadelphia, Pa. Admitted membership in the Communist Labor Party and identified his original membership card in that organization. Stated that he believes in the doctrines and teachings of the Communist Labor Party. Local inspector recommends deportation. Commissioner general concurred. Assistant Secretary of Labor ordered that case be held until the Secretary of Labor decides whether or not the Communist Labor Party is an illegal organization. (Mar. 26.)

Lukas Kuchta, Detroit, Mich. Alien joined the Socialist Party and attended meetings while he was a member. Dues are paid up to August 1, 1919, and he last attended a meeting in May. Attended school at 46 Copeland Avenue, and paid \$1 a month. Attended three nights a week but does not know what party conducted the school. He knows that his branch joined the Communist Party but he attended no meetings or paid any dues since the change. Occasionally read *Novy Mir* and *Glos Robotniczy*. He knew the Communist Party was holding meetings at 46 Copeland Avenue. Attended a lecture of the Communist Party on November 28. Local inspector recommended deportation. Commissioner general concurred. Warrant canceled Mar. 26.

Carl Miller, Denver, Colo. Membership card showing membership in the Communist Labor Party, with dues paid up to January, 1920, was introduced in evidence. Admitted membership in the Communist Labor Party. Also admitted familiarity with the manifesto and program of the Communist Labor Party. Local inspector recommends deportation. Commissioner general concurred. Assistant Secretary of Labor directed that the case be held, pending the decision of the Secretary of Labor upon the illegality of the Communist Labor Party. Also ordered that the alien be released on his own recognizance, if the Commissioner general of Immigration is satisfied he will appear when wanted for further proceedings. (Mar. 24.)

A. Radzwilowicz, alias Alfonso Radzwalowicz, Boston, Mass. Admitted membership in the Communist Party, by transfer of branch of the Socialist Party, to which he belonged, to the Communist Party. The alien voted for the transfer. It appears from the evidence that the alien has been active in the dissemination of Communist papers and propaganda. Local inspector recommends deportation. Commissioner general concurred.

Assistant Secretary of Labor ordered case reopened for new hearing as hearing in this case was six days after the Secretary of Labor's instructions to advise aliens, before examination, of their right to counsel prior to proceeding. Case to be reopened and alien to be informed of his right to counsel before being subjected to examination. (Mar. 26.)

Michelina Karpowicz (wife of Stanley Karpowicz, held under immigration warrant), Grand Rapids, Mich. Admitted membership in the Communist Party. Stated that she is a member in good standing; attended meetings of the organization; is acquainted with its doctrines and agrees with its teachings. Local inspector recommends deportation. Commissioner general concurred. Commissioner-General of Immigration recommended deportation in the case of her husband Stanley Karpowicz. Assistant Secretary of Labor ordered that proceedings be stayed "for further order". (Mar. 29.)

Dominick Korraco or Torracco, Ellis Island, N. Y. Admitted that he had been a member of the Communist Party for about two weeks and had received a membership card in the organization, which he had destroyed. Also admitted that he had been elected provisional secretary of his branch of the party and that he had acted as such at one meeting. Evidence showed that he had been elected a delegate to the convention of the Communist Party and was appointed a member of the State committee, representing the Italian branch. It was shown in the hearing that on October 29, 1919, alien addressed a communication to the State secretary of the Communist Party inquiring where the meetings of the Communist Party were to be held and that he signed himself in that communication "Yours for the class struggle" and as secretary of the Italian branch. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled, March 26.

Joseph Isakovitch, alias Joco Isakovitch, alias Andy Shiak, Youngstown, Ohio. Admitted membership in the Communist Party and that he joined three months ago. Also that he was in good standing at the time of his arrest. Membership card identified by alien as belonging to him showed his dues paid up to January 1, 1920, was introduced in evidence. Alien testified that he believes in the principles of the Communist Party and thinks from a general standpoint that the laboring classes should have a general party, such as the Communist Party represents itself to be. Local inspector recommends deportation. Commissioner general concurred. Assistant Secretary of Labor ordered that proceedings be stayed and case reopened in six months. That alien be released on parole, if not already released on bond.

Sam Crane, Spokane, Wash. Alien is an attorney at law and conducted his own defense. Came to United States from Canada about 1903 and lived in this country the greater part of the time from 1903 until about 1917, when he enlisted in the British military forces and returned to Canada, prior to embarking for service overseas. Declared his intention to become a citizen of the United States in August, 1906, and one month later applied for admission to the bar in the State of Washington. Was later admitted and practiced law in the city of Spokane until 1917. In November, 1917, he was disbarred from the practice of law on the ground that when applying for admission to the bar he made an affidavit that he was a citizen of the United States. During his residence in United States, prior to 1917 and subsequent to his return thereto in 1918, alien has been frequently arrested on various charges, principally disorderly conduct and in most cases was convicted. On June 23, 1919, he was arrested in Seattle on the charge of criminal syndicalism, on July 2, 1919, was found guilty and appealed, the appeal apparently being still pending. The alien, meanwhile, was released on bail in the sum of \$2,800.

M. M. Anderson, a police officer, testified at the hearing, "that he was present when alien was being tried for criminal syndicalism and that taking the stand in his own behalf, alien, in answer to questions put by the prosecuting attorney, made a statement in regard to the revolution and when asked if he meant by ballot, testified that he did not; that he was foolish enough to do that at one time, but did not any more." Witness Anderson's testimony is corroborated by another police officer who was also a witness at the hearing. Local inspector recommends deportation. Commissioner general concurred on the ground that as charged in the warrant, alien was a person likely to become a public charge at the time of his entrance. This is in view of his police record during the time of his prior residence in the United States, the same condition prevailing following his last arrival in December, 1918. Assistant Secretary of Labor ordered that all charges in the warrant be canceled except that of the liability to become a public charge. That proceedings be suspended pending the decision of the State courts on the alien's appeal; that in the meanwhile he be released upon his own recognizance. (Mar. 27.)

Antoni Bielak, or Bielah, Detroit, Mich. Assumed a very defiant attitude during the course of the hearing and refused to answer some important questions. Identified his membership card in the Communist Party made out in his name. This card did not bear any stamps in the Communist Party. However, it is satisfactorily shown that alien is a member of the Communist Party by virtue of the issuance of a membership card to him and by his admission to this effect. Local inspector recommends deportation. Commissioner general concurred. Assistant Secretary of Labor ordered

that the case be reopened for the introduction of an affirmative brief in support of a warrant as the "only evidence tending to show that this alien is a member of the Communist Party is a record of his examination by a special agent of the Department of Justice. It does not appear that the alien was advised of his right to counsel or warned that his statements might be used against him. The examination was in the nature of police office inquisition and is not valid evidence. In the absence of any other evidence against him the alien's refusal to answer questions at the lawful examination, under the warrant, does not count against him." (Mar. 29.)

Julia Alexandroff, Philadelphia, Pa. Admitted membership in the Communist Party and is familiar with the principles and tactics of that organization. The husband of this alien is also a subject of deportation proceedings. The local inspector recommends deportation. Commissioner general concurred. Assistant Secretary of Labor ordered that proceedings be suspended for further order. (Mar. 27.)

Samuel Sklaroff, Philadelphia, Pa. Admits being a member of the Communist Party and being in sympathy with its aspirations. He claims he has attended but one meeting and denies having obtained a card of membership. Admits that his name appears on the membership rolls of the organization, and that he, as secretary of the Left Wing of the Socialist Party, applied at the national committee of the Communist Party for a charter. Admitted that there was a general revolutionary demonstration planned for May 1 last year, and that he made a statement that when the proper time came to overthrow the existing order of affairs he would be with the leaders, but states that his ideas have undergone a change since the statement was made. Stated that the Socialist branch, to which he belonged, reorganized under the name of the Communist Party; that he was not in accord with its principles and immediately withdrew from its active work, and finally gave up his membership, after having been with the organization for about one month, up to October 1. Admitted, however, that he last attended a meeting on December 11, and on Sunday, November 9, addressed a meeting on the importance of education. There was introduced in evidence copy of a letter dated September 24, 1919, addressed to the twentieth ward branch and issued from the Communist Party headquarters, 1330 Arch Street, Philadelphia, signed "Yours for Communism, the headquarters committee, per Samuel Sklaroff, general secretary." Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 30.

Dominokas Krasnauskas, Chicago, Ill. Admitted membership in the Communist Party. Denied, however, all knowledge of the principles and tactics of that organization. Failed to introduce any evidence to support this latter assertion. Commissioner general recommended deportation. Warrant canceled March 30.

Sam Tymoczko, alias Tymoczko, Detroit, Mich. Denied membership in, or affiliation with any organization described in the warrant of arrest. However, in a sworn statement made before a special agent of the Department of Justice, on January 4, 1920, he admitted membership in the Socialist Ukrainian Branch No. 22 of the Communist Party, that statement being substantiated by the records of that organization which show that alien paid dues up to and including the month of October, 1919, in the Ukrainian Branch No. 22 of the Communist Party. Inspector in charge at Detroit recommends deportation. Commissioner general concurred. Warrant canceled March 27.

Bronislaw Cias, alias Barney Cias, Milwaukee, Wis. Evidence shows that alien was a member of the Socialist Party and went over with his branch into the Communist Party, being secretary of the branch at that time and continued in his position in the Communist Party. Alien's testimony shows that he attended meeting and officiated as secretary up to and including the month of December, 1919. Admits reading the literature of the Communist Party and appears to be familiar with its principles. Admitted that he took subscriptions for Glos Robotniczy. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 29.

Cesare Anzillotti, Chicago, Ill. Admitted joining the Italian Branch, West Side, of the Communist Party last September and identified the membership list of that organization, showing his name as a member thereof. Also admitted paying dues into the above-mentioned organization. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 29.

Anton Luksha or Lubsha, Chicago, Ill. In answer to the question, "Are you a Communist?" alien answered, "I am; the party, the branch of the party went over to the Communist and I am a member now." Alien also states that his branch of the Socialist Party adopted the principles of and became a branch of the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 29.

John Bunyk, Grand Rapids, Mich. Alien testified that he had joined the Socialist Party about eight months ago; that the organization took out a charter in the Com-

munist Party, October 17, 1919; that he had attended the meetings every Sunday and was in its hall the night of the arrest; that he was opposed to all forms of government and believed in the overthrow of imperialistic-capitalistic governments. Alien later tried to deny his former statements, but his testimony was of such a contradictory nature as to give the impression of untruthfulness. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 29.

Sergis Heponich, Boston, Mass. Alien states that the branch of the Socialist Party, of which he is a member, voted unanimously to become a part of the Communist Party and that he thoroughly understands the change from one party to the other. Aliens membership in the branch, after the change to the Communist Party, is shown by his membership card, which shows that he paid dues to Communist Party for the months of September, October and November, 1919. Admits attending membership meetings. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 30.

Czestaw, or Chester, Dumanski, Buffalo, N. Y. Admitted signing an application for membership in Communist Party and joining it about October, 1919, at which time he paid one month's dues. Also admitted receiving membership card in that organization, which card was taken from him by the police. Admitted attending meetings in Communist Party and has indorsed applications of others for membership. Also had been elected a delegate from his branch to the central body of that party. Subsequent to the initial formal hearing by the immigration authorities he tendered a written resignation to the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 29.

John Awot, Detroit, Mich. Admitted being a member of the Lettish branch of the Socialist Party from 1905 to December 31 last, when he applied for membership in the Communist Party. Admits that the Lettish branch of the Socialist Party went over automatically into the Communist Party during September last. Admits belief in the Communist International as an ideal system of government. Admitted he was assistant financial secretary for the Wayne County local Communist Party. Commissioner general recommended deportation. Warrant canceled March 12.

Bronislau Kulik, Detroit, Mich. Denies membership in the Communist Party, stating that he had been a member of the Socialist Party but withdrew from this party before it went over into the Communist Party, as he does not understand its principles. Did admit, however, soliciting subscriptions for the official organ of the Communist Party, Glos Robotniczy. Membership book in the Communist Party shows alien to be assistant financial secretary of Branch Potega Communist Party. His signature is shown to be on the disbursement sheets. Alien later admitted being a member of the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Daniel Harbuz, D. Garcus, Butler, Pa. Admits membership in the Communist Party, Russian branch, Lyndora, Pa. That he paid dues to that party for the months from September to December, inclusive. Alien became a member of the Communist Party when his local of the Russian federation went over to that party. Testimony shows that he is familiar with the principles of the Communist Party, and he admits reading Russian books on the progress of Communism and Bolshevism. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 22.

John Pierehowon, Detroit, Mich. Admitted membership in the Communist Party Russian Branch No. 2 and that he believed in the principles and doctrines of that organization. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 18.

Gregory Ewachow, alias Harry Ewachieff, Buffalo, N. Y. Denies membership in the Communist Party or that he has ever paid dues into that party. However, he testified that he was elected as a delegate to the Communist Party headquarters. Original application for membership was introduced in evidence. However, alien denied ownership of same on the ground that he did not personally sign it, although admitting that the information recorded on the card is correct. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 26.

Osif Generaloff, alias General, Seattle, Wash. Admits that he joined the Union of Russian Workers six or seven months prior to January 21, 1920. Admits that he paid 50 cents for two months' dues at that time, however; denies to have attended meetings for the last four months, prior to the hearing on January 21. Claims to have withdrawn from the organization. Local inspector recommends deportation. Commissioner general concurred on the ground that no sufficient evidence being shown that his membership had ceased at the time of the issuance of the warrant. Warrant canceled March 25.

Joe Lynch, alias Joseph Lecznar, Pittsburgh, Pa. Denied membership in the Communist Party or any other party. However, testified that he attended meetings of the Communist Party and held a membership card; that he lived at a boarding house where active members of the party stopped and went with them to the meetings; that they took his name and gave him the membership card. The secretary of the Vestaburg local of the Communist Party testified, before an agent of the Department of Justice, that the alien had paid dues to him at one time. An agent of the Department of Justice testified that alien admitted to him that he was a member of the Communist Party and that he produced his membership card. Local inspector recommends cancellation. Commissioner general recommended deportation. Warrant canceled March 26.

Kazimer Kalaparski, alias Kazimierz Kalafarski, Buffalo, N. Y. In a sworn statement made to a special agent of the Department of Justice, on January 3, 1920, alien admitted signing an application in the Communist Party; that he joined the Communist Party in September, 1919, and had attended three meetings. Also that he has paid dues. An official list of members in Communist Party at Depew, N. Y., contains an entry showing that alien is an organizer in the party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 26.

Frank Berko, Rockford, Ill. Admitted membership in the Communist Party, having joined the party about two months prior to the hearing. Was shown a membership card in the Communist Party and admitted that he had been given a similar one but had thrown it away. Alien maintained that he does not believe in the principles and doctrines of the Communist Party but joined same under the apprehension that it was a benevolent society and not a political party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 26.

T. Celepola, or Thomasz Cielepola, Buffalo, N. Y. Admitted that he became a member of the Communist Party in October, 1919, on application made by him. That he paid dues and attended at least one meeting of the party. His name appears on membership list of Branch No. 48 Communist Party, Depew, N. Y., in his own handwriting. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 26.

Michael Gal, Detroit, Mich. Admits that he joined the Socialist Party in February, 1919. Claims that he has not been a member of the local of that party since November. States that his dues were paid up to the latter part of October and admits that he was a member up to that time. A membership card in Socialist Party, in the name of the alien, was introduced in evidence, which card showed that dues in the Communist Party had been paid for the month of November, 1919. A receipt book for the publication Elore, official organ of the Hungarian branch of the Communist Party, was found in the possession of the alien. Alien stated, in this connection, that though he did not solicit subscriptions, he did assist the solicitor of the paper by collecting payments and that he received 20 per cent of the subscription money as commission. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 26.

Joseph Freliga, Detroit, Mich. Admitted that he had been a member in the Polish section, Socialist Party, for one year with dues paid up to July or August, 1919. That he last attended a meeting in July, then went to New York on a vacation. Claimed while in New York he was elected a delegate to the Detroit convention but took no active part therein. Membership book, Oswiata branch, Polish section, shows the name of alien after that branch joined the Communist Party, no cancellation of name or record of withdrawal or resignation appearing. In an affidavit to the special agent of the Department of Justice alien stated "I am a member of the Oswiata branch, Polish section, Communist Party, but I intended to put in my resignation January 2, 1920." However, alien claimed at the hearing that his answer was "I had been a member of the Socialist Party but I have resigned long ago." Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 26.

Joseph Szczepankiewicz, Wilkes-Barre, Pa. At the time of his arrest alien admitted to a special agent of the Department of Justice that he had been a member of the Communist Party for a period of four months. At the formal hearing he admitted membership for about four months in the Communist Party and stated he had thrown away his membership card in that organization. Also stated that he had regularly attended meetings of the Communist Party. Certain records of the local branch of the Communist Party were found in his room at the time of his arrest. Alien claimed that these records were left there by the local secretary. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 26.

Vasil Prudun, or Pradun, Boston, Mass. In a sworn statement, made by alien on January 3, 1920, he admitted that he was a member of the Communist Party, Russian

branch, Portsmouth, N. H. That he had joined that organization December 11, 1919. Alien admits attending meetings of the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 26.

Fedosi Payuk, Philadelphia, Pa. Admitted that he was formerly a member of the Socialist Party, and belonged to the branch of that organization that went over to the Communist Labor Party; that he has attended meetings and paid dues to the latter organization. Minutes of the meetings of the Communist Labor Party, which were introduced as evidence, show that alien was present at a meeting of that organization as recent as December 10, 1919. The foregoing is corroborated by original membership card in the Communist Labor Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 26.

Paul Scoot, Detroit, Mich. Admitted membership in Communist Party, Russian Branch No. 3. Alien was also charged with entering the United States without inspection, and that he was likely to become a public charge at the time of entry because of sickness existing prior thereto. The latter charges were established by the testimony of the alien. When showed transcript of the statement made before a special agent of the Department of Justice, on January 14, 1920, in which he admitted membership in the Communist Party, he acknowledged the same to be correct. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 26.

Mike Soloway, Ellis Island, N. Y. Admits that he had been secretary of the Russian branch of the Communist Party, Bayonne, N. J. He refused to answer whether or not he was still a member. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 26.

Carl Toder, alias Carl Edward Troder, Indianapolis, Ind. Admitted membership in the Communist Party and having attended one meeting and receiving his membership card but claims to have paid no dues. Admitted to a special agent of the Department of Justice that he was a member of the Communist Party for one month but had burned his membership card and by-laws. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 26.

Antonio Rolich, Chicago, Ill. Testified that he does not belong to the Union of Russian Workers or to the Communist Party but admits that he turned over money to one John Borowski, treasurer of the Union of Russian Young Men, but that this organization is separate and distinct from the Communist Party. Stated that on one or two occasions he attended meetings of the Communist Party. A member of the Chicago police department, assigned on radical matters since January 23, 1915, appeared as a witness and testified that he put alien under arrest at a meeting of the Russian Workers' Club and that of his own personal knowledge, alien is a member of that organization and attended a meeting held there August 26, 1919, at which time he arrested the alien. Alien at that time admitted that he was a member of the Russian Club, which club, witness testifies, of his own personal knowledge, is one and the same as the Union of Russian Workers. Commissioner general recommended deportation. Warrant canceled March 26.

Jacob Lachenko, alias Jack Lacpenko, Milwaukee, Wis. Admits membership in Russian Branch No. 1 of the Communist Party. Believes in one class only and does not like the present form of the United States Government. Was arrested while attending a meeting of the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 26.

Martin Habelewsky, or Hababewsky, Detroit, Mich. In a sworn statement made before a special agent of the Department of Justice on January 5 alien admitted that he is a member of the Communist Party. At the formal hearing this statement was read to the alien and he acknowledged that same was correct. Stated that he believed in the principles and doctrines of the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 27.

Onis Chemich, alias Olisim Chimitz, Boston, Mass. Admits membership in Communist Party and that he had a membership card in that party and lost it. Stated that he read Novy Mir, Russki Golos, and the Russko Slovo. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 27.

Sygmund Arancz, Detroit, Mich. When confronted with a sworn statement made before a special agent of the Department of Justice on January 3, in which he admitted being a member of the Communist Party by absorption from the Socialist Party, of which he was formerly a member, he acknowledged same to be true and correct. Also stated that he had paid dues in Communist Party up to December, 1919. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 27.

Mike or Mile Rajanovich, Milwaukee, Wis. Admitted that he is a member of the South Slavic Branch No. 3, Communist Party. Was arrested in the Communist

Party Hall in Milwaukee. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 27.

Timonhy (Timothy) Markow, Rockford, Ill. Record shows that he is a member of the Communist Party. He identified his membership card which was introduced in evidence. In a statement made before an agent of the Department of Justice, alien admitted membership in the Communist Party and that he had attended meetings often. Alien identified and acknowledged the above referred to statement. He also admitted that the Russian branch of the Communist Party held meetings in the lower part of his house. That he was financial secretary of the Russian branch. That he burned all the records after the raid started. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 12.

Walter Vladislaw or Galecki, Detroit, Mich. In a sworn statement made before a special agent of the Department of Justice, on January 3, alien admitted that he is a member of the Communist Party, having joined that organization about two months prior to that date. At that time he stated that he had turned his Socialist card in to be exchanged for a Communist card but had not received said card in the latter party. Stated that, although, he does not know all the principles and doctrines of the Communist Party, those with which he is familiar he believes in. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 25.

Andrei or Henry Sycz, alias Andrew Search, Baltimore, Md. When interviewed, by an agent of the Department of Justice, on December 12, alien admitted attending a school of the Union of Russian Workers for a period of three or four months. A certificate was presented by an agent of the Department of Justice to the effect that alien's name appears in the membership book of the Union of Russian Workers, showing that he had paid dues for 1919, \$1 in April and \$1.50 in June. It also appeared in the membership book that alien had paid dues to that organization for the entire period of 1918. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 17.

Frank or Franciszek Adamczyk, Buffalo, N. Y. Admitted membership in the Communist Party at Depew, N. Y., branch, admission being corroborated by original application for membership in Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

John Hulkovich, Detroit, Mich. Denies membership in the Communist or any other kindred organization. However, it appears that he was not inspected at the time of his entry in United States. Additional charge was also made that alien was a person likely to become a public charge. Local inspector recommends deportation on the ground that he is a person likely to become a public charge and that he entered without inspection. Commissioner general concurred. Warrant canceled March 13.

Lawrence Swikle, or Zviki, or Lorenz Zwikl, Milwaukee, Wis. Admitted membership in the Communist Party, admission being corroborated by original membership card in the Socialist Party, which shows that alien paid dues into the Communist Party up to and including December, 1919. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 13.

Ignatz Futach or J. Feuderoff, alias J. Futsch, Milwaukee, Wis. Admitted in a statement before an agent of the Department of Justice that he was a member of the Socialist Party and after the split of that party went over into the Communist Party. That his dues are paid up and that he attends meetings regularly. In the formal hearing alien stated that his dues were not paid up for two months but that otherwise the above statement was correct. Was a delegate to the meeting at the city central committee of the Communist Party, at which he was arrested. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 22.

S. Towstick or Semion Towstick, Boston, Mass. Admitted membership in Communist Party and stated that he had joined the Russian branch of that organization two or three months previous to the hearing. Stated that he is not an officer of the party, does not know who the officers are and would not tell if he did. Stated that he has read the program and constitution or manifesto of the organization, believes in the party principles, in mass action, revolution, and revolt by the working class against the capitalists and State in this country. Had Communist literature in his possession when arrested and testified that he sells Novy Mir. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 22.

Andrea Peldich or Peldo or Podlich, St. Louis, Mo. Admitted being a member of the South Slavic Federation Branch No. 55, East St. Louis. That when his branch of that organization became a part of the Communist Party he continued a member and librarian of his branch. Stated that he sold books for his branch of the organization and sent the money therefore to Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 22.

Zosef Machevski, alias Joseph Macieuzki, Boston, Mass. Identified and acknowledged his membership card in the Communist Party. The card contains the name and stamps, showing the alien's dues were paid for the year of 1919. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 25.

Karl Rasikas, Grand Rapids, Mich. Admits membership in the Lithuanian Branch No. 51, Communist Party for "a little while," having formerly been a member of the Socialist Party. Was secretary of his branch when it was organized as a branch of the Communist Party, in which organization he assisted in doing the necessary writing incident to the change from one party to the other. Alien is a subscriber to the Lithuanian Communist paper Musu Tiesa. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 25.

Matwej, or Matthew, Labicki, Port Huron, Mich. Alien was arrested at the headquarters, in Port Huron, Mich., of the Union of Russian Workers, at which place on the same day a quantity of literature was seized. Alien's testimony, at the hearing, indicates membership in the Union of Russian Workers and belief in its principles. Two witnesses, in addition to the special agent of the Department of Justice, who assisted in making the arrest, made affidavits that alien is a member of and paid dues to the the Union of Russian Workers. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 31.

Fausto Antognossi, Chicago, Ill. Admits membership in the Communist Party and that he was present at the first meeting of the organization. Minutes of that organization introduced in evidence show that the alien attended meetings November 14, December 12, and December 19, 1919, of the West Side Italian Communist Section. Membership card showing admission on November 21, 1919, as well as the payment of monthly dues, was acknowledged by the alien. Counsel for the alien contends that the social-educational feature, particularly the study of the English language, was the predominating if not the sole object of the organization. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 31.

Jack Semack, alias Iakov Semacko, Detroit, Mich. In a signed affidavit made to an agent of the Department of Justice, which affidavit alien acknowledged in the hearing, alien stated that he was a member of the Communist Party, Branch No. 3; that he had joined two months previously; that he paid 75 cents dues for the two months and that his membership card was at home. At the hearing he denied membership in the Communist Party and claims he did not attend meetings of the Communist Party. Denied receiving membership card. An agent of the Department of Justice testified at the hearing that records in the Russian Branch No. 3 show this alien to have paid 25 cents in October and \$1.40 in December. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled April 1.

Andrew Mozyshak or Andrew Moochook, Boston, Mass. Admitted that he joined the Socialist Party in 1908, but states that he does not know what the Communist Party means. When asked, "What would you say if we found in this book, on page 87, your name, this book containing the records of the Lynn branch." He replied, "I would say that I did belong, but paid dues only once." Alien admits that he never took any steps to sever his connection with the local, which became a part of the Communist Party. Considerable Communist literature, of an extremely radical nature, was found in his room. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled April 1.

Taras Meshechek, Detroit, Mich. A special agent of the Department of Justice testified that an investigation of the secretary's register of members showed this alien to be a member and that his dues had been paid up to January 1, and that the record failed to disclose the alien's withdrawal from the party. Was arrested in the House of Masses. Admits that he had been to these meetings on three or four previous occasions, but stated that he had gone there to secure books from the library, which had belonged to the Socialist Party. In a sworn statement made before a special agent of the Department of Justice alien stated he was a member of the Socialist Party, Branch No. 3 up until about a month ago when he left the party because he didn't like the idea of being a Communist. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled April 1.

Max or Maxim Krissow, alias Max Basuk, Buffalo, N. Y. An application for membership in the Communist Party, in the name of Max Krissow was introduced in evidence. Alien denied it to be his name or that he had signed the application, but it was established with a reasonable degree of certainty that the application referred to him. Alien claims he was met on the street by two men who asked him to join a party and he paid 50 cents. Denied that he ever attended meetings of the Communist Party or that he ever received a membership card. At the hearing, on February 21,

alien testified that he had submitted a formal resignation to the Communist Party subsequent to the initial formal hearing. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled April 1.

Luka Sovera or Louis Severa, Detroit, Mich. States that eight months before the hearing he joined the Socialist Party. At the time of his arrest his membership card offered in evidence shows dues paid including December, 1919. Was arrested while attending a Communist meeting. Has taken out no citizenship papers because he wished to return to Russia. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled April 1.

Sam Logan, Chicago, Ill. A special agent of the Department of Justice testified at the hearing that alien was taken into custody in the hall of the Communist Party while attending a meeting. Also testified that the alien had admitted to him, on January 2, that he was, and had been for six months a member of the fourth Russian branch of the Communist Party; that he had lost his membership card and that he had at that time identified the charter of his branch hanging in the room where the meeting was held. At formal hearing alien denied membership in the Communist Party; said he had not attended any meetings of the party; later corrected this statement when confronted with witnesses who had assisted in arresting him. His manner of testifying at the hearing gives the impression of untruthfulness. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled April 1.

Herman Adler, Boston, Mass. Admitted that he joined the Central Branch, Socialist Party, about one year ago. When asked, "What party are you a member of now," he replied: "When they split there was a question of splitting branches of the Socialist Party. The Central Branch to my knowledge was done out of its proportional representation and we were shoved into the Communist Party. Principally I believe in the principles of communism." Stated that shortly after Thanksgiving he sent in his resignation. It appears, however, that he sent in his resignation not because of his disagreement with the principles of the Communist Party, but because he was dissatisfied with the way the local conducted its business. In a statement made before an agent of the Department of Justice alien admitted that he was a member of the Central Branch of the Communist Party; that he attended meetings occasionally and would have attended more meetings except for the fact that he was working at night. Also that he had read the constitution of the Communist Party. A number of books and pamphlets, including literature of the Communist Party, were introduced in evidence and alien admitted ownership of same. Alien admitted that he believes in the principles and doctrines of the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled April 1.

Mikh Saliwouchik, Butler, Pa. Admits membership in the Communist Party. Membership card admitted by alien to have been taken from his person shows date of admission as May 18, 1919. This card shows one Communist stamp for the month of November; also signatures in the spaces for June, July, August, September, and October, with seal of the Communist Party of America over same, indicating that dues were paid during those months. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled April 1.

Steve Prajdich, Youngstown, Ohio. In a statement made to an agent of the Department of Justice on January 16, alien admitted that he was a member of the Communist Party; that he had read the party manifesto, but did not believe in its principles or policies. At the hearing alien claimed that he was under the influence of liquor when asked to join the organization; that he destroyed the membership card that was given him on returning home, his friends being dissatisfied at his joining; that at the time of joining the organization he did not know that it was the Communist Party. However, these statements by the alien have not been supported with competent evidence. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled April 1.

Paul or Pawel Blios, Buffalo, N. Y. Admitted membership in the Communist Party and identified his original application for membership in that organization. Admitted attending at least five meetings of that party, at which the principles and tactics were discussed; that he also taught revolutionary songs. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled April 1.

Barney Goldsmith, Denver, Colo. Testimony shows that alien joined the Socialist Party at Denver. He went away for about a year, paying his dues regularly. He returned to Denver in October, 1919, and went to the meeting place to pay his dues, at which time he was given a card in the Communist Labor Party. He then found that his branch of the Socialist Party had been taken over by the Communist Labor Party. He claims to have attended no more meetings, yet he carried the member-

ship card and when apprehended it was found on his person. Inspector in charge at Denver recommended that warrant be canceled. However, the commissioner general did not concur in that recommendation but recommended deportation. Warrant canceled April 1.

Frank Wasilewski, Detroit, Mich. Alien was asked several questions regarding his membership in the Communist Party and refused to answer same, continually stating, "I don't want to answer that." In a sworn statement made before a special agent of the Department of Justice the alien stated that he was a member of the Communist Party and that he was a delegate to the convention of the Michigan branches, Polish Section of the Communist Party, held at Detroit, September 13 and 14, 1919. Commissioner general recommends deportation. Warrant canceled April 1.

Stanley Zlotucha, Detroit, Mich. In a sworn statement made before a special agent of the Department of Justice alien admitted that he became a member of the Communist Party when his branch of the Socialist Party went over into the Communist Party. Admits that he solicited advertisements for the official organ of the Communist Party, "Glos Robotniczy," although he states that he did not know it was the official organ of the party, but claims he was soliciting advertisements for the percentage he received. States that when his party went over into the Communist Party he ceased paying dues and had paid none for three or four months prior to January 1. When asked if he believed in the principles and doctrines of the party he stated "as far as I know from the beginning the Communist Party was legal and they had a charter, and that is all I know about the Communist Party." Local inspector recommends deportation. Commissioner general concurred. Warrant canceled April 1.

Stefan Timofeyew, Ellis Island, N. Y. Admitted membership in the Communist Party and that he has been a member for the past three months. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 31.

Alex Litwin, Philadelphia, Pa. Admits having been a member of the Russian branch of the Communist Party for two months; states that he has not paid dues; that he has no membership card but that he believes in the principles of the Communist Party and that he wishes to be returned to Russia. When cross-examined by his counsel alien testified that he does not know what the principles of the Communist Party are, that he "just joined it, all the fellows went over and I went with them." Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 31.

Parfen Kandratowich, or Peter Kandrateski, Buffalo, N. Y. Testifies that he never belonged to the Communist Party but that they took his name and entered it. The photostat copy of alien's application for membership in Communist Party was presented and alien admits that the name was correct but states that he did not write it. Testified that he paid 25 cents dues at the time he gave his name in as a member and that he, thereafter, paid 25 cents each month. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 31.

Pete or Peter Mozoke, Pittsburgh, Pa. Testimony shows that alien was a member of the Socialist Party; that the Socialist Party joined the Communist Party of America and that he joined same himself; that he has been a Communist for about four months and has attended about 10 or 12 meetings; that he believes in the principles of the Third International; that he believes in the principles of Bolshevism and is in full sympathy with the Soviet Government of Russia. There was introduced documentary evidence to show the character of the Communist Party. After the reading of excerpts from these exhibits, alien was asked if he understood and believed in them and he answered, "Yes, in full accord with it." When asked if he had anything further to say in his own behalf, alien answered, "The answer to your question why I was not satisfied with the Government is I would say, how can I, when the Government has inhumanly sent troops to spill the blood of my people in Russia." Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 31.

Henry Sagoff or Sagoni, alias Katchasa Teagareff, Seattle, Wash. Admits membership in the Union of Russian Workers in Russia from 1905 to 1910, but denies such membership since his residence in United States. States that he believes in the principles of the Union of Russian Workers, "as much as I understand." Admits disbelief in the United States or any form of organized government and admits disbelief in all forms of law. Additional charge was made, in that alien was likely to become a public charge at time of entry. Also that he entered the United States illegally, having failed to pass inspection by the immigration officials. Testimony shows that the health of alien is poor; that he wants to go back to Russia because he

can not work here any more and that he has no property here. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 31.

Andrew Trevejak, Detroit, Mich. Testified that he originally belonged to the Socialist Party and that when his branch of the Socialist Party went into the Communist Party he went with them and became a member of the latter party. Documentary evidence was introduced showing that alien had paid dues into the Communist Party since the time of its organization. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 31.

Stanislaw Smith, Boston, Mass. Admitted that he had been a member of the Socialist Party for the past three or four years, but adds that he did not join the Communist Party, stating that the first time he saw his membership card in the Communist Party was when it was presented to him at the police station; states that he did not see the charter of the Communist Party until he was arrested. Admits that he goes in the room where the local holds its meetings almost every day, as he is vice president of the Lithuanian Association Building where the local holds its meetings. Evidence shows that a charter had been granted to the Socialist local involved and that it was hanging on the wall of the meeting room, and though the alien states he goes to the room almost every day, he claims that he never saw it before. Considerable literature, of radical nature, was found in the alien's possession. He admits that he has read some of this and has been a subscriber to same for some time. States that he does not know the principles and doctrines of the Communist Party. However, in view of the fact that this alien was continually at the headquarters of the local, where it would be practically impossible for him to miss the discussions of said local, and, although he knew the secretary of the local was going to make out his membership card in Communist Party, he took no steps to prevent the secretary from taking this action. Also from the fact of his admission of the payment of dues, it is believed that membership in or affiliation with the Communist Party was established. The local inspector recommends cancellation, but the acting commissioner at the port recommended deportation. Commissioner general recommended deportation. Warrant canceled March 30.

Ignatz Maritzka, Detroit, Mich. Admitted that he had a membership card in Communist Party at his home, but denied that he was a member of the party. Admitted that he attended the meetings; identified and acknowledged a statement made before an agent of the Department of Justice on January 8, 1920, and testified the answers he gave in that statement were true. In the statement referred to he admitted that he was a member of the Polish Branch of the Socialist-Communist Party. Local inspector recommended deportation. Commissioner general concurred. Warrant canceled March 31.

Peter Baker, Boston, Mass. Admitted that he joined the Communist Party about three months ago. Membership book in the Communist Party shows dues paid up for November and December. Local inspector recommends cancellation of warrant. Commissioner general recommended deportation. Warrant canceled March 31.

Rada Marjanovich or Rad Marion, Youngstown, Ohio. Admitted, when questioned by a special agent of the Department of Justice, that he was a member of the Communist Party and had attended two meetings. However, in the formal hearing, stated that he had never heard of the Communist Party until the time of his arrest, but later admitted the truth of the statement made to the special agent of the Department of Justice, adding that he was a member of the Communist Party, "without his knowledge" as he did not know that his branch of the Socialist Party had become a part of the Communist Party. States that he paid his last dues about one or two months before Christmas. Alien is able to read and write and has attended two meetings of his local branch after it became a part of the Communist Party. This is in spite of the fact that he claims not to know the principles and doctrines of the Communist Party. Local inspector recommends deportation. Commissioner general concurred. Warrant canceled March 31.

INDEX.

Abercrombie, John W., letter from.....	31
Aliens released on bond of less than \$500.....	26
Pellegrino, Antonio, case of.....	26
Grunzweig, Valentine, case of.....	28
Korolko, Morris, case of.....	28
Rall, Udo, case of.....	30
Anarchists, citation of court decisions defining.....	31
Blackwood, W. A., statement of concerning admission of feeble-minded and insane aliens.....	22
Bonds of less than \$500, cases in which aliens were released on.....	26
Communist Labor Party:	
Correspondence of Department of Labor with relation to.....	3
Decision of Secretary of Labor concerning.....	13
Platform and program of.....	17
Communist Party deportation cases, supplemental list of.....	42
Deportation, statement of law concerning.....	31
Feeble-minded and insane aliens, cases released by Assistant Secretary of Labor.....	25
Francesco Ferrer Association, statement concerning.....	34
Frankfurter, Felix, letter from.....	33
Hale, Swinburne, letter from.....	13
L'Era Nuova group of anarchists, history of.....	34
Lopez, Frank R., court decision in case of.....	31
Miller, Carl, case of.....	7
Pace, Caterina, case of.....	22
Patterson, N. J., anarchist activities.....	34
Platform of Communist Labor Party.....	17
Recht, Attorney, practices of.....	33
Third International, memorandum showing affiliations of.....	6

DEPORTATION CASES OF WILLIAM T. AND AMY COLYER

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON IMMIGRATION AND NATURALIZATION

HOUSE OF REPRESENTATIVES

SIXTY-SIXTH CONGRESS

SECOND SESSION

JUNE 5, 1920

SUPPLEMENTAL REPORT IN CONNECTION WITH HEARINGS ON COMMUNIST LABOR PARTY DEPORTATION CASES

Held May 4, 6, and 7, 1920

HEARINGS IN THE CASES OF
WILLIAM T. AND AMY COLYER



WASHINGTON
GOVERNMENT PRINTING OFFICE

1920

COMMITTEE ON IMMIGRATION AND NATURALIZATION.

HOUSE OF REPRESENTATIVES.

SIXTY-SIXTH CONGRESS..

ALBERT JOHNSON, Washington, *Chairman.*

ISAAC SIEGEL, New York.

HAROLD KNUTSON, Minnesota.

ROSCOE C. McCULLOCH, Ohio.

J. WILL TAYLOR, Tennessee.

JOHN C. KLECZKA, Wisconsin.

WILLIAM N. VAILE, Colorado.

HAYS B. WHITE, Kansas.

KING SWOPE, Kentucky.

ADOLPH J. SABATH, Illinois.

JOHN E. RAKER, California.

RILEY J. WILSON, Louisiana.

BENJAMIN F. WELTY, Ohio.

JOHN C. BOX, Texas.

L. B. RAINEY, Alabama.

P. F. SNYDER, *Clerk.*

DEPORTATION CASES OF WILLIAM T. AND AMY COLYER.

COMMITTEE ON IMMIGRATION AND NATURALIZATION,
HOUSE OF REPRESENTATIVES,
Saturday, June 5, 1920.

A subcommittee called by Chairman Johnson met at 10 a. m.

The CHAIRMAN. The hearings before the Inspector of Immigration at Boston in the cases of William T. and Amy Colyer have been forwarded to the committee by Assistant Secretary Post, as per the committee's request, and are as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, June 1, 1920.

HON. ALBERT JOHNSON, M. C.,
House of Representatives, Washington, D. C.

MY DEAR MR. JOHNSON: There are inclosed, herewith, copies of hearings in the cases of William T. and Amy Colyer, which have just been received from the Commissioner of Immigration at Boston, Mass., and which are forwarded to you in accordance with the request contained in your communication of May 5.

Very truly, yours,

LOUIS POST,
Assistant Secretary.

UNITED STATES DEPARTMENT OF LABOR,
IMMIGRATION SERVICE.

File No. 305B.

Report of hearing in the case of Amy Colyer, under department warrant No. 54-810/162, dated December 30, 1919.

Hearing conducted by Inspector John Ryder, at Deer Island, date, January 20, 1920.

Alien taken into custody at Boston, Mass., January 3, 1920, by Chester Macomber.

Minutes taken and transcribed by Clara M. Rosenstein.

Said Amy Colyer was informed that the purpose of said hearing was to afford her an opportunity to show cause why she should not be deported to the country whence she came, said warrant of arrest being read and each and every allegation therein contained carefully explained to her. Said alien was offered an opportunity to inspect the warrant of arrest and the evidence upon which it was issued,

which privilege was not accepted. The alien being duly sworn, (affirms), the following evidence was presented:

Q. Is your name Amy Colyer?—A. Yes.

Q. I am an immigration inspector ready to give you a hearing.—

A. Is my counsel here?

Q. No; he is not here to-day, but we can go on with the hearing and then have him sit in when he comes.—A. I do not wish to say anything without my counsel.

Q. I am ready to give you a hearing now if you wish.

(Alien walks away and refuses to answer any questions.)

Case deferred for counsel.

REHEARING

FEBRUARY 4, 1920, BY INSPECTOR M. J. LEONARD, WITH ATTORNEY SILVER PRESENT REPRESENTING ATTORNEY KATZEFF, WHO IS CLAIMANT'S COUNSEL.

Alien affirms.

Inspector reads rules governing hearings in accordance with the United States immigration laws. Warrant issued in accordance with the act of October 16, 1918. Subdivision 5 (b) reads as follows:

At the beginning of the hearing, under the warrant of arrest the alien shall be allowed to inspect the warrant of arrest and all the evidence on which it was issued and shall be apprised that he may be represented by counsel. The alien shall be required then and there to state whether he desires counsel or waives the same, and his reply shall be entered on the record. If counsel be selected, he shall be permitted to be present during the conduct of the hearing and to offer evidence to meet any evidence presented or adduced by the Government. Objections and exceptions of counsel shall not be entered on the record, but may be presented by him in accompanying brief. If during the hearing it shall appear to the examining inspector that there exists a reason additional to those stated in the warrant of arrest why the alien is in the country in violation of law, the alien's attention shall be directed to the facts which constitute such reason, and he shall be given an opportunity to show cause why he should not be deported therefor.

(Alien reads warrant.)

Q. What is your name?—A. Amy Colyer.

Q. Will you give me your name before marriage, please?—A. Amy Withall.

Q. What is your husband's name?—A. William Thomas Colyer.

Q. Where were you married?—A. Islington, London, England.

Q. Can you give me the date of your marriage?—A. July 12, 1915.

Q. How old are you?—A. Thirty-eight years.

Q. Can you give me the date of your birth?—A. May 9, 1881.

Q. You read and write?—A. Yes.

Q. Have you any occupation other than housewife?—A. No.

Q. When did you come to the United States?—A. Tuesday, July 27, 1915, on the *Carpathia*, landing at New York.

Q. Who accompanied you on the ship?—A. My husband.

Q. To whom were you destined?—A. No one.

Q. What address did you go to?—A. We found some one on the ship who recommended a boarding house, and we stayed there for a week in New York.

Q. What class did you come on the ship?—A. Second class, I think.

Q. Did you have any difficulty in landing at New York?—A. No.

Q. What is the occupation of your husband?—A. I think I better leave him to answer.

Q. Why did you and your husband come to the United States at that time?—A. (After a long pause). I will let him say.

Q. Who paid your passage?—A. We, ourselves.

Q. I have here a warrant of arrest, which you have already been allowed to examine, and you have read it. Your attorney probably is familiar with it. Under the rules governing these hearings you are allowed to have counsel. Have you selected counsel?—A. Yes; Morris Katzeff, I understand, has been engaged.

Q. This gentleman, Mr. Silver, represents Mr. Katzeff; is it satisfactory to you that he sit in and continue with the case?—A. Yes; if he represents Mr. Katzeff.

Q. How long did you stay in New York?—A. One week.

Q. Then where did you go?—A. We came to Boston.

Q. What address did you come to in Boston?—A. We had not an address, but found rooms at 70 Pinckney Street.

Q. How long did you stay there?—A. About 10 months..

Q. Were you engaged in any work while you were in Boston?—A. My husband was writing.

Q. Did you engage in any work?—A. No; I typed his articles.

Q. You do not care to answer questions regarding the employment of your husband, do you?—A. No.

Q. After you lived at 70 Pinckney Street, where did you go, then?—A. Well, after staying at a friend's house for a few weeks we went to Wellsley, and have been there ever since.

Q. With whom were you living on Pinckney Street?—A. We had one room, my husband and myself.

Q. Do you know who the landlady or landlord is?—A. Two Misses Mulligans, I think.

Q. How did you get the address on Pinckney Street?—A. We went to the Unitarian Association on Beacon Street, and they gave it to us.

Q. Do you keep house in Wellsley?—A. Yes.

Q. After you went to Wellsley, did you engage in any occupation for which you received a salary?—A. No.

Q. You said that you typed articles for your husband?—A. Yes; that is all. I learned it myself.

Q. What were the articles that you typed?—A. Miscellaneous articles.

Q. Anything in general?—A. Yes; anything in general. We sent them around to various papers and magazines.

Q. Can you name some of the papers they were sent to?—A. Pretty nearly all papers—an article in the Independent.

Q. Where was the Independent published?—A. I don't know.

Q. Is it New York?—A. I don't know where it is published.

Q. You did not address the envelope?—A. Yes; but I addressed so many I can't tell you the address.

Q. What was the article on that you sent to the Independent?—A. "The Military Mind." This particular article.

Q. Had the war started when you left England?—A. Yes; for a few months.

Q. Had you and your husband taken any active part in the part that England was to take in the future of the war?—A. No; we went on with our usual occupations.

Q. There was a draft law in England?—A. No.

Q. How did they raise the army?—A. Voluntarily.

Q. Conscription was not in force?—A. No.

Q. Well, did you and your husband write any articles relative to the possibility of England taking part in the World War while you were in England?—A. No; I think nothing at all.

Q. You are not sure of that?—A. I know that at that time he was not writing.

Q. Were you in conflict with any civil authorities in England just before coming to the United States?—A. No.

Q. Hadn't you taken up a sort of resistance against England entering the World War?—A. We were opposed to the war.

Q. Is that one of the reasons for coming to the United States?—A. Conditions arising out of that; yes.

Q. Will you state in your own words just what are the conditions arising out of that that assisted you in making up your mind to come to the United States at that time?—A. I am quite willing to, but I am simply saying what my husband will say. I agreed to anything he said. It was not my action, so I prefer not to say.

Q. You were guided wholly by what your husband decided?—A. I agreed with what he said.

Q. Didn't you and he talk over the possibilities of coming and just why you would make up your minds to come?—A. Certainly.

Q. Was it anything relative to political action which might be taken against you by civil authorities in England that assisted you in making up your minds to come here at the time you did?—A. I think the chief reason was that he hadn't a job, and in war time a man who was opposed to war did not find anything to do.

Q. Did you belong to any organization in England?—A. Yes; the Independent Labor Party.

Q. What were the functions of that party? What did they hope to accomplish?—A. It is the Socialist Party.

Q. Did they have connections with the socialists in the United States?—A. I don't think so. It is quite independent.

Q. The fact that you were a socialist in England, was it admissible for you in the United States in the Socialist Party?—A. No.

Q. Did you have a transfer from your party?—A. No.

Q. Where were you taken into custody?—A. At Wellsley.

Q. At your home?—A. Yes.

Q. Do you know why you were taken into custody?—A. I don't know more than the warrant says. I entirely deny that the warrant is justified in what it says about me.

Q. Do you know any reason why the warrant which you have read has been issued against you?—A. No good reason. (Attorney hands the warrant to her to read again.) I don't belong to any organization that advocates the overthrow of the Government by force and violence.

Q. Do you know of any reason why that warrant should be issued against you?—A. It is general prejudice against radicals.

Q. Are you a radical?—A. Certainly.

Q. What do you mean by radical?—A. One who desires the present system of society radically altered.

Q. Have you or your husband taken any steps to become citizens of the United States?—A. My husband took out first papers January, 1916.

Q. Where?—A. In Boston.

Q. Were you in favor of that?—A. I was at that time.

Q. Are you now?—A. I am not in favor of becoming a citizen of the United States now.

Q. Why?—A. I should not wish to swear allegiance to this Government.

Q. Why?—A. I entirely disapprove of it.

Q. In what way do you disapprove of it?—A. As a communist I am opposed to all capitalist governments.

Q. What do the Communists teach that would make you opposed to the Government of the United States?—A. They want an entirely new form of society, in which capitalism and the wage slavery will no longer exist. Under all capitalist government there is capitalism.

Q. How do they hope to accomplish the change?—A. They would like the capitalists to surrender, I suppose.

Q. What is your idea, from what you have heard, relative to the methods of the Communists taking over the Government of the United States or any other form of government?—A. We issue propaganda in the ordinary way, just as any other society that desires to propagate its ideas.

Q. When you came here and your husband came here with you, did you come intending to remain in the United States, or just to pay a visit and then return to England?—A. We really did not know. He had no job, and it all depended on that.

Q. When you first reached New York, you and your husband, did you get in touch with any socialist organization in New York?—A. Not in New York. We were only there for a week, and most of the people were in their summer homes.

Q. When you left England did you have any address of prominent socialists in New York?—A. No.

Q. When you left England had you severed your connections with the Socialist Party?—A. At the time we left; no.

Q. Is it an international party that you belong to in England?—A. No.

Q. It is not international?—A. It was the Independent Labor Party that we joined.

Q. Isn't that connected with the Socialist Party?—A. There is not a Socialist Party in England; not called the Socialist Party. There are various parties that are socialists and this was one of them.

Q. Did you have any address of any prominent socialists in Boston when you left England?—A. We had only joined a few months, and we really did not know any of the people. We had no introduction here.

Q. Have you any relatives in Boston?—A. None in this country.

Q. No friends?—A. No.

Q. Why did you choose Boston in preference to Philadelphia, Chicago, or any other large city?—A. I can hardly tell you. We thought we should prefer Boston to New York.

Q. Was there any reason?—A. No. •

Q. Before leaving England did you or your husband write to any person in Boston?—A. No.

Q. Did you receive any letters from Boston inviting you to come to the United States?—A. No.

Q. How much money did you bring from England?—A. I don't know exactly, but we lived on it for about 10 months, and then we were very low.

Q. After coming to Boston what organizations did you join?—A. We joined the Socialist Party in 1916, the following year.

Q. What branch did you join?—A. The central branch.

Q. Is there any number to it?—A. No.

Q. What is that branch composed of, English or foreign-speaking people?—A. I prefer not to say anything about the branch.

Q. Who was the secretary?—A. That I decline to say.

Q. Did you ever act as secretary?—A. Yes.

Q. Up to the time that you were taken into custody were you not secretary of the branch?—A. At that particular time I was secretary.

Q. How long had you served as secretary?—A. At different times. I had been secretary the last six months.

Q. What is the approximate date of your joining?—A. In September, 1916, I think it was.

Q. You have already said that you were a communist; what do you mean by that?—A. I mean a revolutionary Socialist. As far as I understand a socialist and a communist is the same, but the word "socialism" has become vague in its meaning and the communists agree among themselves more now than the socialists do.

Q. What branch of the Communist Party do you belong to?—A. The central branch.

Q. Meeting at 88½ Washington Street, Boston, or is that the headquarters of your branch?—A. I decline to answer that.

Q. Well, if we should produce documentary evidence that such is the fact, what would you say to it?—A. Documentary evidence of what I have done, of course, must stand.

Q. How long have you served as secretary of the communist branch?—A. Since it existed.

Q. When did it come into existence?—A. September, 1919.

Q. How did it come into existence?—A. The Communist Party was formed then.

Q. How?—A. In the ordinary way parties are usually formed.

Q. Something must have happened. You were a socialist and after September you became a communist. What happened?—A. After September there was a Communist Party and I preferred to belong to it.

Q. How did the Communist Party come into existence?—A. I decline to answer that. I had nothing personal to do with that.

Q. But you know the history of it?—A. Of course.

Q. Will you tell me the history of it?—A. No.

Q. Why not?—A. Because I don't know what you want to know for. You probably know now.

Q. Do you realize that membership in the Communist Party from your knowledge of the teachings of the Communist Party brings

you within the purview of the act of October 16, 1918, from which act the allegations in this warrant are taken?—A. If it is so, it is so; but it ought not to be so.

Q. Do you realize that?—A. I realize that I have been arrested on that assumption, but it is a wrong assumption.

Q. You know that there was a convention in Chicago in September, 1919, of the Socialist Party, don't you?—A. I don't choose to say anything about the details of the organization. That organization is being persecuted and you are going after perfectly innocent people. I don't wish to disgrace myself by helping you to spy on innocent people.

Q. When you became a member of the Communist Party did you sign an application for membership in the Communist Party?—

A. No; I did not.

Q. Then, how did you effect your membership in the Communist Party?—A. Well, certain of us were taken over, those who voted to join. I was among those who voted to join the Communist Party.

Q. Well, what information did you receive at the time that you and the others voted to go into the Communist Party, relative to the Communist Party?—A. We knew what was going on in the Communist Party by our press.

Q. You mean by that, periodicals and papers that are owned and published by the Communist Party?—A. Yes.

Q. Can you give me the names of them?—A. I can, but it is unnecessary.

Q. Did you ever read the manifesto of the Communist Party?—A. Yes.

Q. Do you approve of it?—A. Yes.

Q. I introduce as evidence in this case and make same part of the record marked "Exhibit No. 1, copy of volume K, of the Communist official paper of the Communist Party issued at Chicago, Saturday, July 19, 1919, entitled, "Call for a National Convention for the Purpose of Organizing the Communist Party of America." I read from Exhibit 2, page 2, as follows: "In this the most momentous period of the world's history capitalism is tottering to its ruin. The proletariat is straining at the chains which bind it. A revolutionary spirit is spreading throughout the world. The workers are rising to answer the clarion call of the Third International. No other course is possible; therefore, we, the minority delegates at the left wing conference, call a convention to meet in the city of Chicago, on September 1, 1919, for the purpose of organizing a Communist Party in America." Have you not heard that call before?—A. Yes.

Q. I read further: "This party will be founded upon the following principles: 1. The present is the period of the dissolution and collapse of the whole capitalist world system, which will mean the complete collapse of world culture, if capitalism, with its unsolvable contradictions, is not replaced by communism. 2. The problem of the proletariat consists in organizing the training itself for the conquest of the powers of State. This conquest of power means the replacement of proletarian machinery of government. 3. This new proletarian State must embody the dictatorship of the proletariat, both industrial and agricultural, this dictatorship constituting the

instrument for the taking over of property used for exploiting the workers and for the reorganization of society on a communist basis. 5. The present world situation demands the closest relation between the revolutionary proletariat of all countries." You have heard that?—A. Yes.

Q. Do you subscribe to that?—A. I do.

Q. I read from page 2, as follows: "Program of the Call: 1. We favor international alliance of the socialist movement of the United States with only the communist groups of other countries, such as the Bolsheviki of Russia, Spartacans of Germany, etc., according to the program of communism as above outlined. 2. We are opposed to association with other groups not committed to the revolutionary class struggle, such as labor parties, nonpartisan leagues, people's councils, municipal ownership leagues, and the like. 3. We maintain that the class struggle is essentially a political struggle; that is, a struggle by the proletariat to conquer the capitalist state whether its form be monarchistic or democratic republican, and to destroy and replace it by a government structure adapted to the socialist transformation." You have heard that?—A. Yes. It is very familiar.

Q. Do you subscribe to it?—A. Yes.

Q. Have you read the Constitution of the United States?—A. Not the whole of it.

Q. Do you understand the form of government that you are enjoying in the United States?—A. I am not enjoying it, but I think I understand it.

Q. That you are living under in the United States?—A. Yes.

Q. What particular part of this Government do you object to?—A. The part which violates the Constitution.

Q. What part is that?—A. Free speech, war to be declared by Congress, the right of those arrested to speedy trial.

Q. Anything else?—A. Plenty of other things, I have no doubt.

Q. Seeing that you and your husband are not entitled to vote in the United States, what did you hope to accomplish by joining the Communist Party at this time?—A. Just what you can accomplish in any country in the socialist movement, which, as you said, is international.

Q. Then it is international?—A. Certainly. We were not able to vote under five years, but we did not wish to stand out of the socialist movement for five years because we can not work. We could easily work wherever we are.

Q. Did you seek admission to the socialist movement in the United States after arriving in Boston, or were you invited to come into the movement by somebody?—A. No; I went to it.

Q. Where did you go to seek admission?—A. To Park Square.

Q. What number Park Square?—A. I think it was—well, I think No. 4.

Q. Was it not No. 7, the old office of the Socialist or Communist Party?—A. Seven does not sound right to me, but it was in Park Square, anyway.

Q. Who did you find in authority there at the time you made your first visit?—A. I don't wish to speak about anybody else.

Q. How did you find that No. 4 or 7 Park Square was the headquarters?—A. I don't think I can tell you; I don't remember. It is quite easy to find out where the headquarters are if you want to.

Q. I introduce as evidence in your case and make same part of the record, marked "Exhibit 2," application for membership Communist Party of America: "The undersigned, after having read the constitution and program of the Communist Party, declares his adherence to the principles and tactics of the party and the Communist International; agrees to submit to the discipline of the party as stated in its constitution and pledges himself to engage actively in its work." What have you to say to that?—A. I am quite willing to subscribe to that.

Q. I introduce as evidence in your case and make part of the record membership card, "Communist Party of America affiliated with the Communist International. This is marked "Exhibit No. 3." (Alien examines card.) Do you recognize the card?—A. Yes.

Q. I introduce as evidence in your case and make same part of the record, marked "Exhibit No. 4, pamphlet No. 1." Manifesto and program, constitution and report to the Communist International. "There is a common policy that characterizes moderate socialism; that is, its conception of the state. Out of the conception that the bourgeoisie parliamentary state is the basis for the introduction of socialism developed a directly counter-revolutionary policy. Communism rejects this conception of the state. It rejects the idea of class reconciliation and the parliamentary conquest of capitalism. The Communist Party alone is capable of mobilizing the proletariat for the revolutionary mass struggle to conquer the power of the state. The Communist Party, realizes that it is necessary to develop separate organs of working-class political power by means of which to crush the resistance of capitalism and establish the Communist Commonwealth." What have you to say to that?—A. I agree to that.

Q. I read from page 8 of Exhibit No. 4, as follows: "Strikes are developing, verging on revolutionary action, and in which the suggestion of proletarian distatorship is apparent. The striker-workers try to usurp functions of industry and government, as in the Seattle and Winnipeg general strikes." Were you aware of the fact that February 3, 1919, was set by the socialists and communists as the day for general strikes all over the United States?—A. No; I don't think so.

Q. Did you participate in any strike on February 3, last year?—A. No.

Q. Were you in Lawrence?—A. No.

Q. At any meetings of the Socialist or Communist Party, had such information come to the meeting that you might learn from it relative to the proposed strike?—A. I don't remember. I don't think we got as far as a general strike in the United States.

Q. You know that there was a strike inaugurated on February 3, last year, in different parts of the United States from organizations other than the so-called American Federation of Labor? Don't you know there was a strike in Lawrence?—A. Yes.

Q. Do you know of the strike in the shipyards out West?—A. I don't remember.

Q. Do you know anything about the strike that took place in Winnipeg?—A. I remember something about it.

Q. Was it about that date?—A. I should not like to commit myself. I don't know what the date was.

Q. I read from page 9 of Exhibit 4, as follows: "The proletarian class struggle is essentially a political struggle. It is a political struggle in the sense that its objective is political—overthrow of the political organization upon which capitalist exploitation depends and the introduction of a proletarian State power. The objective is the conquest by the proletariat of the power of the State. Communism does not propose to 'capture' the bourgeois parliamentary State, but to conquer and destroy it." Have you heard that before?—A. Yes.

Q. Do you subscribe to it?—A. Yes.

Q. I read from page 10 of Exhibit 4, as follows: "The conquest of the power of the State is accomplished by the mass power of the proletarian. The mobilizing of this control against capitalism means the initial form of the revolutionary mass action that will conquer the power of the State." Have you heard that before?—A. Yes.

Q. You subscribe to it?—A. Yes.

Q. I read from page 12 of Exhibit 4 as follows: "The proletarian revolution comes at the moment of crisis in capitalism, of a collapse of the old order. Under the impulse of the crisis, the proletariat acts for the conquest of power by means of mass action. Mass action concentrates and mobilizes the forces of the proletariat, organized and unorganized; it acts equally against the bourgeoisie State and the conservative organizations of the working class. Strikes of protest develop into general political strikes and then into revolutionary mass action for the conquest of the power of the State. Mass action becomes political in purpose while extra parliamentary in form; it is equally a process of revolution and the revolution itself in operation." You have heard that before?—A. Yes.

Q. I read from page 14 of Exhibit 4 as follows: "The Communist Party is the conscious expression of the class struggle of the workers against capitalism. Its aim is to direct this struggle to the conquest of political power, the overthrow of capitalism, and the destruction of the bourgeois State. The Communist Party prepares itself for the revolution in the measure that it develops a program of immediate action, expressing the mass struggles of the proletariat. These struggles must be inspired with revolutionary spirit and purpose. The Communist Party is fundamentally a party of action. It brings to the workers a consciousness of their oppression, of the impossibility of improving their conditions under capitalism. The Communist Party directs the workers' struggle against capitalism, developing fuller forms and purposes in this struggle, culminating in the mass action of the revolution." You have heard that before?—A. Yes; very much like it. I suppose it comes from that.

Q. And you subscribe to it?—A. Yes.

Q. Beginning the last paragraph it says: "The Communist Party is fundamentally a party of action," can you enlarge on that?—A. I think it simply means it wishes its members to be active in getting the truth to the workers. It does not think that politics are of any use; to vote once in every four years for some one who does not represent us. It wants something more active than that. Its action is to get the truth to the workers, that is what it wants to do, and it wants its members to help do that.

Q. You are, of course, familiar with the means of making laws of the Government of the United States?—A. Yes.

Q. That we have a congressional election every two years; the Congressmen are supposed to be representatives of the mass of the people. Are you opposed to that method or is it in accordance with the communist teachings that that particular form be done away with and other action take place?—A. It is in accordance with the communist teachings that it should be done away with because it does not work. If the congressional representatives really did represent the mass of the people, we should be only too happy to subscribe to it and work for it. We believe that the political institution here is not a political democracy; it does not work democratically. The workers could not vote for their representatives; they vote for members whose ideas are not their ideas. The congressional representatives certainly do not represent all the interests of the people. Those who represent the wealthy will not represent the poor. We want a form of government by which we will be groups so that we are really voting for those who represent us; a form of industrial democracy. We contend that here there is not even political democracy.

Q. Before leaving for the United States, had you studied the politics of the United States?—A. From general reading I knew something about it.

Q. Did you know enough about it while in England to assist you in making up your mind after such a short residence in the United States that you would be in a position to say that the present Government of the United States is not proper? In other words, have you lived in the United States long enough to make up your mind that the present system of government is wrong?—A. Quite long enough, I think.

Q. In what way have you come in contact with the Government of the United States that makes you believe that it is wrong?—A. I see how things work. I see just lately that the five assemblymen in New York were unseated for no other reason than they are Socialists. That bears out that you won't let us work through those means. We had been in hope that our communist representatives would be allowed to sit and do anything. We are only too anxious to work through those means, if you will let us. They are very often closed. By political propaganda we mean by distributing literature. If a man puts a bundle of papers under his arm, he calls it political action; he tries to get his ideas to other people. He concentrates on that mostly because the political machinery is such that we can not use it.

Q. What are your feelings toward capital and industry?—A. I desire the abolishment of capitalism.

Q. How would you accomplish that?—A. We can not tell now how revolution is to be effected.

Q. How does the Communist Party hope to accomplish it?—A. By teaching the workers the truth about existing conditions.

Q. Don't they hope to accomplish it by mass action, so-called?—A. Mass action follows; present conditions bring about mass action.

Q. Then you are in favor of mass action?—A. Yes.

Q. Can you enlarge a little more on mass action?—A. It is brought about by the particular conditions of industry at the present time,

when the unskilled workers massed together in large numbers in the large industries and the conditions forced upon them teach them that the only way to better their conditions is to work together.

Q. Does not mass action, when it comes to final analysis, mean a general strike all over the world, and that the result of that strike will be the taking over by the masses of industry and capital, perhaps including force and violence?—A. If it was so general as your question suggests, I think it probably could be done without any violence.

Q. Does it not include force and violence?—A. It is much desired that it shall be a general strike all over the world, but I am afraid it will not come that way.

Q. How is the revolution likely to come?—A. It is very likely to come through the workers defending themselves against counter-revolutionary action, as the workers in Russia. They don't desire force; they have simply been compelled to fight by the Allies. The Communists in Russia are concerned with reconstruction the whole time. That is what they work for. The Allies have compelled them to fight.

Q. Is it not a fact that if the voters in the United States desire any change in the laws for the benefit of the workers that they have a proper method of taking up the changing of the laws?—A. I think that it is a machine that does not work.

Q. Is it not a fact that the State of Massachusetts is one of the foremost in labor legislation?—A. I believe on paper it does stand out well.

Q. What leads you to think that there is not anything else but the laws on paper? What has happened that convinces you that perhaps the laws have not been put into effect?—A. Well, the strike at Lawrence is quite enough to show me the economic conditions in Massachusetts are anything but good.

Q. Was the strike in Lawrence brought about by any law enacted in Massachusetts?—A. Perhaps not; but if there were good laws in Massachusetts the strike would not have occurred.

Q. Can you call to mind any bad law in the statute books of Massachusetts relative to the working class?—A. It is the whole system of capitalism that we are opposed to.

Q. I read from page 16 of Exhibit 4 as follows: "(b) The shop committees shall be organized wherever possible for the purpose of communist agitation in a particular shop or industry by the workers employed there. These committees shall be united with each other and with the Communist Party, so that the party shall have actual contact with the workers and mobilize them for action against capitalism." Is that in line with what we have just brought out in evidence? [Inspector has to explain question.] Does it not add to what you have already said relative to conditions that are not favorable to the working class?—A. I do not quite see the connection between it, but I approve of that.

Q. In other words, this is the action that you approve of rather than the laws made to benefit the working class?—A. No; I am not opposed to laws to benefit the working class. The difference is that the working class does not get benefited.

Q. Is it a fact that the laws are too slow for the Communist Party?—A. We want altogether different laws.

Q. Is it a fact that the laws are too slow for the Communist Party?—A. That does not seem to me to lead anywhere. That question—

Q. Answer the question yes or no.—A. They are not laws that benefit the working class. I don't say it might not be worse, but I want to see that very much better.

Q. Is it not a fact that the system of the Government of the United States may be too slow in making laws for the benefit of the working class to suit the Communist Party?—A. The Communist Party does not expect laws to be made in accordance with its program under the present system.

Q. They hope to change conditions without the aid of laws, is that not a fact?—A. They desire to work within the laws as much as possible.

Q. But where they find it is impossible, they then take the laws into their own hands, is not that right?—A. No.

Q. Is that not part of the teachings of the Communist Party?—A. I don't think so.

Q. Had not you heard that and read and subscribed to it?—A. In what you have read to me, I don't think so. We don't talk in that way. We should hope to aid conditions with the aid of laws. Our contention would be that it is always the other side that takes the laws into their hands. If the Government declares that a strike is illegal, I can not say what will happen. You can not prevent human beings striking if they are compelled to slave. So far there is nothing illegal in any thing we have done.

Q. I read the last paragraph on page 5, as follows: "The revolutionary era compels the proletariat to make use of the means of battle which will concentrate its entire energies, namely, mass action, with its logical result—direct conflict with the governmental machinery in open combat. All other methods, such as revolutionary use of bourgeois parliamentaryism will be of only secondary significance." Is that not the real method of the communists to accomplish what they seek?—A. It is not a method; it is a statement of historic fact that open combat comes from the governmental action.

Q. Don't they speak on open combat and have not they been preparing for it?—A. There is no way of preparing for it except looking the facts in the face.

Q. Is there not a way by issuing propaganda, etc.?—A. Propaganda which teaches the facts of the era.

Q. Is not that the groundwork for mass action, taking over capital by force and violence?—A. Certainly not. We contend that if any violence comes will come from the capitalists. We have no arms.

Q. Then, will you explain that part which reads: "All other methods, such as revolutionary use of bourgeoisie parliamentarism will be of only secondary significance"?—A. Because in this period of the world history that is so. Parliaments have not got the control of the situation. It is the industrial conflicts that are upsetting the world. If we could settle things through parliament we would be glad to do it. It can not be done in this country or England. If we want to settle anything really serious in England we have to get an industrial congress. Parliament can not do it. That statement is a record of our interpretation of present history. I subscribe to it, but I deny your interpretation that this is preparing for force and violence.

Q. How many different branches or organizations that communists might embrace in; for instance, socialist left wing, Communist Labor Party, Communist Party, etc.?—A. I can not answer.

Q. Have you membership in the three that I have just mentioned?—A. I am only a member of the Communist Party.

Q. What do you know about the manifesto of the Third International formed at Moscow?—A. I can not quite recollect from memory. I have read it.

Q. Do you subscribe to it?—A. Yes.

Q. Mrs. Colyer, can you give me the date when you first assumed secretaryship of the Socialist Party in Boston?—A. I think it was July, 1917.

Q. Were you appointed or elected?—A. Elected.

Q. How long did you serve? In other words, how long was your first term?—A. Six months.

Q. That then expired the 31st of the following December?—A. Yes.

Q. Were you reelected the 1st of January, 1918?—A. Yes. I think I served all that year, 1918.

Q. That brings up to the 1st of January, 1919. What office were you holding the 1st of January, 1919?—A. I was not secretary then.

Q. Do you want to tell me who was secretary then?—A. I do not.

Q. Why don't you?—A. I don't desire to give any of my comrades' names.

Q. Well, did you attend the meetings pretty regularly during the first six months of 1919?—A. Yes.

Q. Don't you know that a man by the name of William James Sidis was secretary?—A. I can not answer about other people.

Q. Well, during the year 1919 was there an executive committee elected or appointed?—A. There always is.

Q. During that particular year?—A. That year was not different.

Q. Were you a member of the executive committee?—A. What executive committee?

Q. It is the C. C. C. executive committee?—A. I have been on the executive committee; yes.

Q. Were you a member of it during 1919?—A. Yes; I have been at times.

Q. Did you ever serve as secretary during 1919 of the Socialist or Communist Party?—A. Yes.

Q. And you also served as secretary of the executive committee, did you?—A. Yes.

Q. Are the duties different? In other words, the executive committee, is that a part of the general organization?—A. That executive committee has not anything to do with the central branch.

Q. It has nothing to do with it?—A. No.

Q. What are the functions of the executive committee?—A. The executive committee is the executive committee of Boston.

Q. Is that a committee that is elected or brought into existence by the communist members of the branches in Boston?—A. Yes.

Q. You were representative of what branch on that committee?—A. I was elected secretary of the committee.

Q. But didn't you first have to be delegated as a member into that committee before you were eligible to secretaryship?—A. Not always.

Q. In this instance you were not delegated?—A. I was a secretary in the Communist Party since there was a Communist Party, and I was a delegate.

Q. What is meant by the left wing of the Socialist Party?—A. I prefer not to say.

Q. As a member of the executive committee can you tell how the delegates to the Chicago convention were selected or elected?—A. I can but I don't want to.

Q. Why don't you want to?—A. For the same reason that I have refused to answer other questions.

Q. When a group of persons decided that they were going to ask for charter to legalize its actions in accordance with the communist constitution, to whom would they apply?—A. National committee.

Q. Where are they located?—A. You know as well as I do, I suppose.

Q. How many times have you served as delegate?—A. I don't remember. We are elected every six months.

Q. The first time that you were elected as a delegate where did you go to?—A. I don't wish to answer that.

Q. Did you go to Chicago?—A. No; I didn't go to Chicago.

Q. I mean did you go to Chicago during the latter part of August of last year or during September?—A. No.

Q. Have you ever been there?—A. Yes.

Q. When were you there last?—A. I have only been there once. It had nothing to do with socialism. 1918 it was.

Q. You have not been there since 1918?—A. No.

Q. Did you visit the headquarters of the Socialist Party in Chicago while there?—A. No.

Q. Do you know where they are?—A. I know where they were.

Q. Where were they?—A. I might as well keep that to myself. It is no secret. Why ask me?

Q. Mrs. Colyer, in accordance with the warrant which you have read, it specifically states that "I, John W. Abercrombie, etc., do hereby command you to take into custody the said alien and grant her a hearing to enable her to show cause why she should not be deported in conformity with law." That is why these questions are being asked, so that you may be given an opportunity to show cause why you should not be deported in conformity with law. You understand, do you, Mrs. Colyer?—A. The only thing to do is to show that I did not belong to an organization with which the warrant charges me.

Q. Do you remember that during the meeting of February 11, 1919, your secretary resigned?—A. (Nods head negative.)

Q. You don't remember that?—A. I don't wish to say anything about the meetings.

Q. Does the Communist Party elect presiding officers in the same manner as they elect secretaries? In other words, to serve for six months or a year period?—A. No. Chairman is elected at each meeting.

Q. Did you ever serve as chairman?—A. I don't believe I did. I was always secretary. [After pause:] Yes; I did once or twice. I don't want to lie about it.

Q. How many branches have you addressed outside of Boston on the teachings of the Constitution of the Communist Party?—A. I don't think I have addressed any. I am not a speaker.

Q. Well, will you say that you have not addressed any?—A. Only in business meetings. I have only taken part in business meetings.

Q. Where outside of Boston have you taken part in business meetings?—A. I don't wish to say where—at various meetings.

Q. About how many times during the latter half of 1919?—A. I don't think any.

Q. How about the first half of 1919?—A. I don't think any then. Very few occasions that I did.

Q. What do you know about a convention that was held in Brooklyn, N. Y., in July of last year?—A. I don't know anything.

Q. Did you know that there was a convention in Brooklyn, N. Y., during July 27, 28, and 29, of last year of the Socialist Party?—A. I don't know anything special about it.

Q. Do you know that there was such a convention?—A. I can not say there was.

Q. Were you there during that time?—A. No. [To attorney:] I am going to have one or two exhibits, Mr. Silver, and I will have you look at them as I pick them out.

Q. This is a questionnaire which was presented to you from which questions were asked at the time you were taken into custody, and I will ask if that is your signature at the bottom?—A. (Alien examines questionnaire.) Yes.

Q. It is presented and made part of the record in this case, marked "Exhibit No. 5." I also have here an affidavit introduced as evidence in this case marked "Exhibit No. 6." It is an affidavit of Special Agent W. B. Poole, reading in part: "On the evening of January 2, 1920, at approximately 10 o'clock p. m., he [W. B. Poole] with Nicola A. Galotti, of the Immigration Bureau, and one other, visited premises No. 1, Sunset Road, Wellesley, Mass., and found in the premises occupied by Amy Colyer a quantity of communistic literature. That said Amy Colyer, when questioned, refused to answer if she was a member of the Communist Party, availing herself of the right of legal advice. Referring to the question above again, "Where outside of Boston have you taken part in any meetings?" Do you wish to change your reply to that question?—A. No.

Q. Why do you not wish to reply to it other than what you have said?—A. Only that I do not want to answer details about any particular convention that might involve other people. I have no wish to deny any activity in general.

Q. How can it bring in other people if you simply mention where you were?—A. You want to know where the convention was held and you might want to get on the track of somebody else who was there.

Q. Where, outside of Boston, have you been actively engaged in communistic work?—A. That only helps you to make further investigation at that particular place. It does not matter to me.

Q. Will you tell me where you have been active outside of Boston?—A. No.

Q. Were you in Lawrence?—A. No; I was not.

Q. Were you in Haverhill?—A. No; I shall not answer.

Q. Were you alone?—A. I don't answer.

Q. Were you in Cambridge?—A. No answer.

Q. How many times have you attended Communist meetings in Chelsea?—A. I don't wish to answer.

Q. Did you organize the Communist Branch in Chelsea?—A. I don't want to answer whether I have or not, because, as I have said, I decline to answer. You might think that I did organize that branch. I don't choose to answer any questions about other places.

Q. On how many different occasions have you been an organizer?—A. I have not been an organizer.

Q. How many times have you organized branches?—A. Not any.

Q. How many times have you assisted in organizing branches?—A. Never.

Q. Is it a fact that the so-called Left Wing of the Socialist Party was taken over automatically by the Communist Party?—A. I decline to answer.

Q. If I were to say that I was a member of the Socialist Party left wing on the 1st day of September and I had paid my dues up to the 31st of December, 1919, would I still be a member of the left wing or a member of the Communist Party?—A. That does not seem to me to be of any relevance.

Q. It is just for a matter of learning the object.—A. The Communist Party has nothing to do with the Socialist Party.

Q. Then, in other words, if I was a socialist on the 1st day of July, 1919, and I paid my dues up to the 31st day of December, 1919, the Socialist Party went out of existence and I then was a member of the Communist Party?—A. The Socialist Party has not gone out of existence.

Q. Is there a Socialist Party?—A. Yes.

Q. Where? I mean the Socialist Party that is controlled by aliens.—A. I don't think there is a Socialist Party controlled by aliens.

Q. Is there not a Socialist Party that more or less of the membership are aliens?—A. I don't think so.

Q. Did you ever hear of the Russian branch of the Socialist Party?—A. Yes.

Q. What is meant by that?—A. Simply the Russian section.

Q. Does not that mean that most of them are not citizens of the United States?—A. It does not necessarily mean that. I don't know how many are citizens.

Q. It does not mean that?—A. No.

Q. When you hear of the Lithuanian branch of the Socialist Party, what does that mean?—A. Simply a group of Lithuanians in the Socialist Party.

Q. Of course you have heard of the split in the Socialist Party?—A. Of course, I have.

Q. When did it occur?—A. You can find that from the papers.

Q. Does not that really mean that as far as Massachusetts is concerned socialism or the Socialist Party was wiped out and the Communist Party then came into power?—A. I don't suppose they would agree that they were wiped out.

Q. Do you remember acting as secretary pro tempore on February 18, 1919, at a meeting of the executive committee?—A. I don't re-

member any special meeting. I might have been secretary pro tempore then.

Q. Is it not a fact that the left wing of the Socialist Party was then in existence?—A. No answer.

Q. Isn't it a fact?—A. I decline to answer.

Q. What was meant at that time by the left wing?—A. I decline to answer.

Q. Do you remember that the manifesto of the left wing was presented at that meeting for consideration at which meeting you were secretary pro tempore?—A. I don't wish to answer.

Q. I have here the original of a communication, "C. C. C. minutes, February 18, 1919; chairman, Frank Mack. Minutes of the meeting of February 11, read and confirmed. Communications from Wyoming S. P. and Georgia S. P. re national emergency convention filed. One from Kentucky S. P. asking for information as to left wing activities to be answered. Thirteen applications for membership accepted from Lettish No. 2. Roll call of delegates read. Nineteen present. Reports of organizer, recording secretary, and financial secretary accepted. Moved we write to national office asking them to instruct our State office as to its duties in the matter of stamp rebates from foreign-speaking federations. Minutes of executive committee of February 4 accepted. Ragan's resignation from executive committee accepted, and Sidis elected. Reports from revolutionary age board, press committee, Sunday school committee, "Katterfield" committee accepted. McDonald, of strike committee, was advised to bank money in his own account." Who is McDonald? Is his name John McDonald?—A. I don't wish to answer.

Q. Continuing from minutes: "Committee of three, Lassman, Sidis, and Nenonen, was elected to suggest indorsements of nominations for State executive committee about to be elected. Their report was accepted and the following seven were indorsed: Chester Bixby, W. T. Colyer, Julius Cornell, Louis Henderson, Charles Jansen, Frank Mack, William Sharpshooter. Election of delegate to house committee laid over. Left wing manifesto committee reported. Date for special membership meeting for discussion of this manifesto, at Dudley Street Opera House, to be fixed by executive committee. Amy Colver, assistant secretary pro tempore." Bears the stamp of the Boston Socialist Party, C. C. C. What have you to say to that communication?—A. Nothing.

Q. Is it correct?—A. (Alien examines communication.) It stands for itself.

Q. Is it correct?—A. I have nothing to say.

Q. You recognize the record which I have just read as having been put together by yourself?—A. It probably was.

Q. "Minutes of the C. C. C., February 25, 1919; chairman, Comrade Sharpshooter. Minutes of meeting February 18 read and confirmed," which are the ones we have just read. "Communication from Hermann Mattern received. Referred to labor defense committee. Communication from Detroit local, asking us to second a resolution to N. R. C., protesting against the calling of a convention in association with bourgeoisie organizations of all kinds, and against the failure to call a regular party convention, which is so urgently needed, at the same time demanding the repudiation of the congress.

at Berne, Switzerland. This was approved and placed on file, the C. C. C. being a delegate body and not entitled to act in the matter. Application for charter from Jewish Roxbury, No. 2, approved. Seventeen applications received from Lettish, No. 1, and three transfers. Nine applications from central branch, and two reinstatements. Reports of organizer, financial secretary, and recording secretary accepted. Roll call read. Sixteen present. Minutes of executive committee, February 25, approved. Revolutionary' age board reported. Moved that two delegates from the Russian conference be given seats on the board, with no votes, and that we elect a committee to explain the position of the C. C. C. in the matter. Amended to adjourn the question for one month. Amendment carried. Leader committee reported, suggesting that the C. C. C. lay over the matter of electing a leader agent until after the election of the State committee. Carried. Press committee reported. Letter to press passed. Moved that names of candidates for the State committee indorsed by C. C. C. be published this week in the Revolutionary Age and New England Leader. Carried. Moved to elect committee to boost these as far as possible. Comrades Bloom, Colyer, Lassman, Hedrick, Sharpshooter elected. Amy Colyer, assistant secretary pro tem." Mrs. Colyer, referring to the last committee, where it says "Colyer," does that mean you?—A. I don't know; it might. [Alien examines communication.] It might mean me and it might mean my husband.

Q. So far as your recollection serves you, does it not mean you?—A. I don't remember.

Q. Where it say, The Revolutionary Age, is that a——A. That is a periodical.

Q. That is not the question. And the Ring Leader?—A. Yes.

Q. Are those Communist papers?—A. This is all Socialist Party minutes.

Q. Left Wing Socialists?—A. We had no title. We were simply the Socialist Party.

Q. But weren't you known at that time as the Left Wing Socialists?—A. Some were for and some were against, that is all. The organization was simply known as the Socialist Party.

Q. Is that your signature there? [Alien examines report of February 25.]—A. Yes.

Q. Well, at this time, had they not already adopted the manifesto of the Left Wing of the Socialist Party?—A. I don't want to answer that. It has nothing to do with the Communist Party.

Q. When did these two papers which I have mentioned become the organs of the Communist Party?—A. They are not Communist Party papers at all.

Q. Are they not controlled now, and edited by the Communist Party?—A. No.

Q. Who is in control of them?—A. I don't think they exist now.

Q. When did they go out of existence?—A. Probably at the time of the division of parties.

Q. When was that?—A. You know.

Q. When was that?—A. I don't wish to say.

Q. Was it September of last year?—A. I decline to answer.

Q. What papers represent the Communist Party in Massachusetts?—A. I decline to say.

Q. Where is it published?—A. I decline to say.

Q. What is there at 885 Washington Street? Executive office?—A. I decline to say.

Q. Who is in charge of the offices at 885 Washington Street?—A. I decline to say.

Q. Have you ever been in charge of them?—A. I decline to say.

Q. There is a library there, is there not?—A. I decline to say.

Q. Do they sell papers or pamphlets at that address?—A. I decline to say.

Q. The money that is received for pamphlets and papers, what becomes of it?—A. I decline to answer.

Q. How are the delegates' expenses met?—A. I decline to answer anything about the organization.

Q. How many delegates were sent from Boston to Chicago? That is, elected by the executive committee?—A. I decline to answer.

Q. Do you know how many delegates are elected to attend a convention?—A. I do, of course.

Q. Will you tell us?—A. No.

Q. Why not?—I have said so many times that I have no wish to help you in your work.

Q. I have here "Minutes of the C. C. C. executive committee, March 11, 1919." I will read parts of it, as follows: "Report of financial secretary accepted and bills ordered paid. Question of left wing convention discussed. Moved that C. C. C. adopt the following declaration: The time for the convention to be Saturday, June 14, 1919. Carried. Amendment that local Boston favors the calling of a left-wing convention shortly before the national emergency convention. Lost. Committee of five elected to carry out the business involved in the declaration—Maurin, Jansen, Fraina, McDonald, Silin." And another paragraph of the same record: "Moved that organizer be instructed to get in touch with the Russian federation in the work of organizing the unemployed. Carried. Moved that executive committee be instructed to start arrangements for May Day. Carried. Comrade Thomas Small was seated as delegate from Mattapan branch. Submitted by Amy Colyer, assistant secretary pro tempore." Is that your signature?—A. (Alien looks at signature.) Yes.

Q. So far as I have read the records, they are correct being over your signature?—A. Yes.

Q. I will read from executive committee, C. C. C., March 18, 1919, second paragraph: "Organizer reported visit to the Russian No. 1, where he consulted with the comrades re the unemployed, discussing with them the question of providing room for meetings, and arranging for a parade. Also reported work in connection with the left wing of the Quincy Finnis branch, where he has been asked to arrange for chairman and one English speaker at all their meetings. Following suggestions were made with regard to May Day: (1) General Socialist holiday; (2) assembling at headquarters at 10 o'clock to 12, parade to Common 2.30, meeting on Common 3.30 followed by parade back to Roxbury to headquarters of Lettish branches, entertainments at both these places with at least one speaker; (3) appointment of May Day committee; (4) special edition of Revolutionary age. Submitted by Amy Colyer, assistant

secretary pro tempore." I will ask you if that is your signature?—A. (Examines signature.) Yes.

Q. Was there any clash with the authorities during the May Day celebration?—A. I don't wish to talk about that.

Q. Where were you at the time?—A. I was in Boston. I was at home, I mean.

Q. In Wellesley?—A. Yes.

Q. You were not in Boston during that celebration?—A. Yes; I was in Boston on May Day.

Q. About what time did you get into Boston?—A. In the middle of the morning.

Q. What time was the parade? In other words, did you get in before the parade started?—A. I was not in the parade.

Q. Were you in Roxbury?—A. Yes.

Q. Were you there when the clash took place between the authorities and the paraders?—A. I was not in the parade.

Q. Were you there when the clash took place between the authorities and the paraders?—A. Yes.

Q. Do you know what brought it on?—A. Yes; I know what brought it on.

Q. What was it?—A. The police fired on the people.

Q. What reason did they have?—A. I wonder myself.

Q. Of course, you believe in law and order?—A. Yes; I do.

Q. What kind of law and order do you believe in?—A. I don't know how many kinds there are.

Q. Do you believe that if a city or a State makes laws or ordinances that they be complied with?—A. Yes.

Q. Was it a violation of the ordinances of the city of Boston that caused the clash that day?—A. No.

Q. What was it?—A. I said that the police fired on the people.

Q. Without cause?—A. Yes; without cause.

Q. Where were you that you would come to that conclusion?—A. I don't know what you mean. [After a pause.] Might I say that my understanding is that May day parade was merely a group of people walking from one place to another. They carried red flags; but it is not illegal in Massachusetts to carry red flags, so that I do not think there was a law violated that day.

Q. I have here a sheet of paper with minutes of the membership meeting, March 30, 1919. This sheet is headed "Local, Boston, Socialist Party, 885 Washington Street, Boston, Mass." Following, "Chairman, C. G. Brey. Minutes of membership meeting of December 15 read and confirmed. Communications: (1) From Lettish Branch, No. 2, giving text of a resolution passed by that branch against the attempt to call an amnesty convention and demanding the call of a national emergency convention of the Socialist Party. Moved that this meeting adopt the resolution; carried. (2) From W. T. Colyer, suggesting the election of a committee to take up with the new State committee the question of making The Revolutionary Age the organ of the State. Moved to accept; amended to lay over until after the report of The Revolutionary Age board; amendment carried. (3) From W. J. Sidis, making suggestions with regard to applications for English-speaking branches and further suggestions as to the left-wing program. Moved to accept and open for

action; amended to refer the first set of proposals to C. C. C. and the second set to the left-wing discussion; amendment carried. Discussion on left-wing program printed in *The Revolutionary Age* of March 22, 1919. Moved to accept the left-wing program as a basis of our political stand until such time as a left-wing congress shall meet; amended to consider the program seriatim; amendment carried. The sections of the manifesto as far as the section headed 'Political action' were then accepted, with this one alteration, namely, the substitution of the words 'the proletariat' for the word 'themselves' in the following sentence, to be found in the third paragraph of the section headed 'Sparticides and Bolsheviki': 'And now came the crucial test: Would they, in accord with Marxian teachings, make themselves the ruling class? * * * In the sentence, as printed in *The Revolutionary Age*, the word 'themselves' refers to the subject of the previous sentence, namely, 'the Mensheviki and Social-Revolutionists.' In the section headed 'Political action' various amendments were proposed. Those to (1) strike out the last sentence of paragraph 4, and (2) strike out paragraphs 2, 3, and 4, except the last sentence, were lost, and the following were adopted: (1) To strike out the words 'with provisions to safeguard small investors' from paragraph (e); (2) to add a paragraph (g), as follows: 'Union with any régimes based on the dictatorship of the proletariat that may exist elsewhere.' Notice of other amendments had been given, but at this point the meeting voted to suspend the present discussion and to hear the report of *The Revolutionary Age* board. Motion to accept the suggestion of the board, namely, to grant Fraina and Maurin 15 minutes each to present the two sides on the question of removing the paper to New York; amended to give these two unlimited time and further speakers 10 minutes; amendment carried. Moved that the following statement be adopted by this meeting: 'Local, Boston, intends to keep *The Revolutionary Age* in Boston until a national convention of left-wing organizations shall be held. Organizations taking part in said convention should agree with the tactics of Bolshevik Russia and the left-wing manifesto as published in the March 22 issue of *The Revolutionary Age*. Delegates in said convention should have voting power in proportion to membership represented. Local, Boston, intends to turn over the paper to the executive body elected by such a convention.' Amended to move the paper to New York within three weeks, the ownership and control to be kept in the hands of local, Boston, details of management to be arranged by Boston C. C. C. in consultation with the left wing of New York. Amendment was lost, 85 to 90. Motion carried. Adjournment. Submitted by Amy Colyer, assistant secretary pro tem." Is that your signature?—A. (Alien examines signature.) Yes.

Q. The record stands for itself as being correct over your signature?—A. Yes.

Q. Have you any children?—A. No.

Q. Have you or your husband taken up the study or tried to secure information relative to naturalization in the United States?—A. We have not made any special study. We knew we would have to wait five years before we could become citizens.

Q. This communication bears the same heading, "C. C. C. minutes, April 1, 1919." One paragraph on page 2 reads as follows: "Min-

utes of executive committee read. Moved to elect May day committee of five. Comrades Silin, Jansen, Sidis, Mack, and Backman elected. Committee to meet every Friday night and to get into connection with all possible organizations likely to cooperate. Date of membership meeting to be fixed next meeting." Is that your signature?—A. (Alien examines signature.) Yes.

Q. And the record is correct as over your signature?—A. Yes.

Q. I have here records of the minutes of the C. C. C. under date of April 8, 1919. I shall read portions of it, commencing with "Reports of organizer and secretaries accepted. Full report of Grand Opera House meeting. April 7 to be given next meeting. Report of Revolutionary Age Board considered seriatim. Moved that local, Boston, shall not pay \$50 per week to any writer for the Age. Lost. Board was instructed to see that in the contract with John Reed it shall be clearly stated that the board is to have exclusive rights over John Reed's work. Moved that Comrade Fraina's salary be raised to \$45. Carried (10 to 9). Moved Comrade McAlpine, who has resigned from the paper, be paid \$10 a week for the next two weeks for contributions to be sent from New York. Carried. Board was instructed to publish notices asking for unpaid contributions to the paper." Page 2, paragraph commencing "Comrades Jurgis and Friedman, of the literature distribution committee of Fore River and Squantum shops, were given the floor. Moved that May day committee be instructed to cooperate with this committee in distributing May day literature. Fifty dollars was voted for this purpose. General membership meeting was fixed for Sunday, April 27, at 3 o'clock. Executive committee was instructed to consider action re the unemployed. By Amy Colyer, assistant secretary pro tempore." Is that your signature?—A. (Examines communication.) Yes.

Q. And the records are correct?—A. Yes.

Q. Here is a communication headed "C. C. C. executive, April 15, 1919. Chairman, W. J. Sidis. Communications: From Berenberg re Humphries lecture, laid over; from Gerner in answer to general membership resolution, referred to general membership meeting April 27; from Lettish 1, and from Katterfield, referred to C. C. Organizer's report considered. Suggested that open-air meetings be held as previously on the Mall Sundays, Pemberton Square Saturday evenings, Blue Hill Avenue Friday evenings. Unemployment to be subject at meetings. Following resolution passed and sent to Miss Julia S. O'Connor: 'That the executive committee of local, Boston, Socialist Party, heartily congratulates the telephone operators of New England upon their solidarity and upon the firm stand they have taken in calling the present strike; that it cordially wishes them every success and would be glad to know if there is any way in which it can be of assistance in this phase of the perpetual and inevitable struggle between the wage-earning and the employing classes under capitalism.' Submitted by Amy Colyer." Is that your signature?—A. (Alien examines signature.) Yes.

Q. And is this record correct?—A. Yes.

Q. Do the female members of the Communist Party have the same voting power as the males?—A. Precisely.

Q. They accept the same responsibilities as the males, do they?—A. Yes.

Q. I have here minutes of the C. C. C. executive, April 22, 1919: "Chairman, Frank Mack. The drawing up of an unemployment leaflet was referred to the press committee. Amy Colyer." Is that your signature?—A. (Examines signature.) Yes.

Q. Is Mr. Mack detained here with the others?—A. I can not tell you.

Q. Have you seen him?—A. I decline to answer.

Q. Well, the alien who has been detained here under the name of Frank Mack, is that the person that has been referred to in so many of your communications?—A. I decline to answer.

Q. Do you know a person by the name of Ime Kaplan?—A. I decline to answer.

Q. Can you remember about how many times you saw him at 885 Washington Street, Boston?—A. I don't answer about anybody else.

Q. Do you know whether or not he ever assisted in organizing communist branches?—A. I decline to answer.

Q. He makes a statement that he has; what would you say to that?—A. Nothing.

Q. This is the same heading: "Minutes of general membership meeting, April 27, 1919. Chairman, W. J. Sidis. Minutes of membership meeting, March 30, read and confirmed. Correspondence: (1) From Comrade Germer, in answer to resolution sent to the national office from last membership meeting; filed. (2) From Comrade Fraina; laid over to new business. (3) From Lettish Branch No. 1, submitting three resolutions. Resolution 1, calling upon the State committee to take steps toward suspending publication of The New England Leader, was carried, an amendment to lay over to the State convention being lost. Resolution 2, calling upon the State committee to indorse The Revolutionary Age as our State paper was carried with the amendment calling upon the State committee to initiate a referendum making it possible to allocate the dues money now spent on The New England Leader to The Revolutionary Age. Resolution 3 was carried with resolution 2, re left wing magazine. Motion to suspend order of business and to proceed to new business lost. Adjourned discussion of left wing program. Political action section: amendment to delete from section (e) all words from and including the word 'provision' carried. Amendment to insert the word 'bourgeois' before the word 'State' in the last sentence of the fifth paragraph and also before the word 'State' where it first occurs in the second sentence of the sixth paragraph, carried. Amendment to strike out the words, 'anarcho-syndicalist' and 'anarcho-socialist' from the sixth paragraph. Program, section 1, adopted. Amendment to add the following was lost: 'That all the land and workshops and public utilities be conscripted in the interest of all the people; that the hours of work to be six per day, or in proportion, so that all males and females, 18 years of age and over, shall have the right to work, who so desire: that the remuneration shall be \$1 per hour.' Sections 2, 3, 4 adopted. Sections 5 and 6 to be replaced by the following: 'We demand that no propaganda organization (including the press, educational institutions, etc.) be officially recognized by the party unless they are party owned and controlled.' Sections 7, 8, 9, and 10 adopted.

Motion that this meeting adopt the left wing manifesto and program as printed in *The Revolutionary Age* of March 22, and that the amendments carried at this meeting and at the meeting on March 30 be submitted to the left wing national convention, carried. Questions of delegates to left wing national convention. Moved to nominate delegates at this meeting and to initiate a referendum vote, carried. Amendment to ask the branches to vote at their branch meetings was lost. The following were nominated: Fraina, Maurin, Jansen, Jurgis, Henderson, Colyer, Zelms, Brey, Klaver, Aranoff, Sahlitz, Rihonef. The secretary was instructed to take a census of members in good standing in order to determine the number of delegates local, Boston, may elect. Reports of financial secretary, press committee, and May day committee accepted. New business, re Comrade Fraina's letter, the following resolution was carried: 'That this meeting of the general membership of local Boston indorses the action of the C. C. C. on April 22, with regard to the salary of the editor of *The Revolutionary Age*, that it furthermore decides to issue subscription lists to all branches on behalf of Comrade Fraina's sick family.' An amendment indorsing the previous decision to raise the salary to \$45 was lost. Submitted by Amy Colyer." Is that your signature?—A. (Examines communication.) Yes.

Q. And what I have read is correct?—A. Yes.

Q. What do you know about anarchism, Mrs. Colyer?—A. I don't know.

Q. What books have you read on anarchism?—A. I don't think any. I am not an anarchist.

Q. Have you listened to any lectures on anarchism?—A. No; I don't think so.

Q. Will you say that you have not?—A. Yes.

Q. Will you say that you have not read any books on anarchism?—A. Yes; I think so.

Q. What is an anarchist?—A. (After a long pause.) Can you or the Government define an anarchist?

Q. I am asking you what is an anarchist?—A. If by an anarchist is meant someone who uses terrorism the Communist Party is against that. The Communist Party is not a terrorist organization. It definitely repudiates it in its papers. It does not believe anything is to be gained by individuals being killed with bombs.

(Alien is anxious to know whether her answer as to anarchism will be put into the record.)

Q. This is taken from the translation from the Russian of the pamphlet with the following title sheet: "Novomirsky. Manifesto of anarchists-communists. Published by the Federation of Unions of Russian Workers of the United States and Canada. New York, 1919." I will refer to page 14 as follows: "As the labor organizations of the present are the germs of future free associations, as the natural weapon of the laboring class, the strike, is the seed of our tactics. We see that the proletariat, along with the development of capitalism, more and more broaden and deepen their struggle; partial strikes lose their significance, and mass strikes pass into general ones. What must we do, the vanguard of the proletariat? We must consciously hasten the elementary movement of the struggle of the

working class; we must convert small strikes into general ones, and convert the latter into an armed revolt of the laboring masses against capital and state. At the time of this revolt we must at the first favorable opportunity proceed to an immediate seizure of all means of production and all articles of consumption, and make the working class the masters in fact of all general wealth. At the same time we must mercilessly destroy all remains of governmental authority and class domination, liberating the prisoners, demolish prisons and police offices, destroy all legal papers pertaining to private ownership of property, all field fences and boundaries, and burn all certificates of indebtedness—in a word, we must take care that everything is wiped from the earth that is a reminder of the right to private ownership of property; to blow up barracks, gendarme and police administration, shoot the most prominent military and police officers, must be the important concern of the revolting working people. In the work of destruction we must be merciless, for the slightest weakness upon our part may afterwards cost the working class a whole sea of needless blood. In completely destroying all vestiges of the dominion of capital and state, we must try as soon as possible to start production upon new foundations. That is, extend the existing labor organizations and their unions, and give production over to them. Every city should begin the work separately, and proclaim a commune; that is, the union of all free labor organizations will become masters of the city. At the first favorable opportunity, the city commune will get in touch and establish relations with the surrounding village communes. The extension of the union and the unification of all communes into one grand national and international federation is a matter of further development.” Did you ever hear such teachings as that?—A. No.

Q. Now, that you have heard it, do you subscribe to that teaching?—A. No; I don't. I should think that would be forgery—I don't think that the people to whom it is credited ever wrote it.

Q. One paragraph from the C. C. C. minutes of June 3, 1919, as follows: “Comrade Fraina reported for the left wing committee and as delegate to Buffalo and Chicago. Report accepted and bill ordered paid.” Was there a convention previous to September in Chicago?—A. I decline to answer.

Q. Was there a convention in Buffalo?—A. I decline to answer.

Q. You know Comrade Fraina?—A. I decline to answer.

Q. This is your signature, is it not, on this communication of June 3?—A. (Examines communication). Yes.

Q. And the record is correct?—A. Yes.

Q. Minutes of the C. C. C. June 10, 1919: “Chairman W. J. Sidis. Minutes of June 3 read and confirmed. Correspondence: (1) Report from Hyde Park Branch accepted and Delegate Kepley seated. Moved that Rev. Age board be asked to advance money for expenses of delegates of left wing. Cd. Moved that C. C. C. request branches to raise sums equivalent to 10 cents per member to cover expenses of these delegates. Carried. Secretary was instructed to provide left wing delegates with copies of (1) the amendments to the manifesto and program passed by local Boston on March 30 and April 27; (2) the resolution passed on March 30 with regard to handing over the Revolutionary Age to national body, and (3) the resolu-

tion passed April 27 with regard to a left-wing magazine. Ballot committee reported Comrades Fraina, Jurgis, and Maturin to have been elected to left-wing convention by the following votes: 1,029, 597, 590. W. T. Colyer resigned as financial secretary and chairman of press committee. Comrade Pallo elected financial secretary to fill the vacancy, and I Carmen elected to press committee. Comrade Bixby was given the floor to speak concerning the plant strike, now of four weeks' duration, and advocated the election of a committee for the raising of funds. Moved to elect committee of three. Bixby, Hansen, and Carmen elected. Adjournment. Submitted by Amy Colyer, assistant secretary, pro tem." Is that your signature?—A. (Examines communication). Yes.

Q. C. C. C. executive committee, June 17, 1919: "Chairman Frank Mack." I shall read as follows: "Left-wing delegates to national convention to be asked to report at the general membership meeting on June 29 at Dahlgren Hall, 3-9 E Street, South Boston. A collection to be taken at that meeting for local funds. Motion carried that whereas under the altered conditions of the call to the left-wing convention (altered after the sending out of ballots) Local Boston is entitled to four delegates at that convention, be it resolved that Comrade Jansen, who polled the next highest vote in the election, be given credentials to the convention." Another paragraph: "Statement from national office was received, and secretary reported that Editor Frania had seen and made use of it. Communication from Wagenknecht, State secretary of S. P. Ohio, referred to membership meeting. One left-wing ballot received after the count." Is that your signature?—A. (Examines signature.) Yes.

Q. From C. C. C. meeting of June 24, 1919. "Correspondence: (1) From Lettish No. 1, promising contribution of 10 cents per member toward expenses of left-wing delegates accepted. (2) From Lettish No. 1, embodying a resolution with regard to money raised by the branch during its red week. Executive committee instructed to find out particulars as to amount of red week money paid. Recording secretary's report accepted. Comrade Plepis was empowered to appoint a committee responsible for admitting members to general membership meeting June 29, only those to be admitted who present red cards or can be vouched for by branch officers. Plant strike committee given power to cooperate. Lawrence strike committee reported \$139.57 in bank. Moved money be turned over to C. C. C. to be used for defense of Comrade Fraina. Carried with amendment that all further money received be turned in to C. C. C. An amendment that money be held by C. C. C. to be used only for strike purposes was lost. Committee was instructed to call in all outstanding lists. Auditing committee reported auditing work of W. T. Colyer and part of the accounts of Revolutionary Age Board. Moved that C. C. C. buy 200 copies of the Worker every week, to be mailed to addresses supplied by the mass meeting committee. Cd. Submitted by Amy Colyer, assistant secretary pro tempore." Is that your signature?—A. Yes; and it is correct.

Q. Minutes of general members in meeting of June 29, 1919: "Chairman, W. J. Sidis. Minutes of membership meeting, April 30, 1919, were read and confirmed. Communication from Comrade Wagenknecht, State secretary of Ohio, calling for seconds for a

national referendum to annul certain acts of the national executive committee. Moved that Local Boston second the resolutions, notify Local Cleveland, the initiators, and ask them to initiate a similar referendum with regard to Massachusetts, now expelled from the party. Carried. Moved that a committee be elected to reply to the action of the N. E. C. in a statement for publication in the Socialist Press. Carried. Comrades Henderson, Golosov, Goldberg, and W. T. Colyer elected. Moved to give Comrades Jurgis and Maurin, delegates to the left wing national convention, 20 minutes each to report, other speakers 5 minutes. Time of the delegates was later extended. Moved to advise the State executive committee to call an emergency convention. Carried. Submitted by Amy Colyer, assistant secretary pro tempore." Is that your signature?—A. [Examines signature.] Yes.

Q. Does that not show, coming back to one of the questions in the previous part of the hearing, that at this particular time the socialists of Massachusetts were out of the party?—A. Those minutes say that the party that then was to be expelled.

Q. This is a record written on the Central Branch Boston Socialist Club, 885 Washington Street, Boston, Mass. "Report to C. C. for October, 1919. Central Branch has received its charter in the Communist Party of America. Four new members were received, under the old conditions, two transferred from the old ward 23 Branch and one application from Rev. R. F. Cady, of Caston, Mass., was rejected. A resolution of sympathy with the striking policemen was passed and sent to the policemen's union, which duly acknowledged the same. A resolution asking executive committee of C. P. to take steps immediately for bringing about unity with C. L. P. was passed, forwarder to the national office, and also to all branches in the Greater Boston district. The branch has ordered a regular bundle of 100 copies of the Worker. It has held four educational meetings, at which De Leon's pamphlet, "Reform or Revolution," and also the communist manifesto have been discussed. The propaganda committee, with the organizer, have arranged a series of six propaganda meetings on Sunday evenings, beginning next Sunday, November 2, when Comrade Sproyle will be the speaker. "Communism and Americanism" the subject. There will be music, questions, and discussion. Amy Colyer (Sec.). Is that your signature, and is the communication correct?—A. (Examines communication.) Yes.

Q. Here is a communication, undated, and reads as follows: "Dear Comrade Sproyle: I am told that you have not been asked 'officially' to speak at the revolution celebration meeting at the Grant Opera House on November 16, Sunday afternoon. Have you been asked unofficially? Anyway, this is to make of you the formal request, to which we greatly hope you may be able to reply favorably. Fraternally, yours, Amy Colyer (Sec. Local)." Referring, Mrs. Colyer, to the communication just preceding this, to that part which says "Four new members were received under the old conditions," just what is meant by that?—A. I decline to answer.

Q. Now, again, calling your attention to this report of October, 1919, referring to the particular part, "The branch has ordered a

regular bundles of 100 copies of The Worker"; is not The Worker the Communist paper?—A. I decline to say.

Q. Is it not the succession of the paper known as the New England Leader?—A. I decline to answer.

Q. Where is The Worker printed?—A. I decline to answer.

Q. Have you written articles for it?—A. No; I have not.

Q. Have you written articles for the paper that preceded it or the paper that The Worker succeeded?—A. No.

Q. Have you written any articles for any paper?—A. No.

Q. I have here a communication headed "Central Branch, Boston Communist Club ('Socialist' is crossed out), 885 Washington Street, Boston. October 8, 1919. Dear Comrade Cosgrove: The Central Branch will take 100 copies of the New England Worker fortnightly. Kindly address bundle to me at headquarters. Will leave money for you to-morrow (Thursday) at 885. Fraternally yours, Amy Colyer, secretary." [Alien examines communication.]—A. That is my signature.

Q. Who is Comrade Cosgrove?—A. I decline to answer.

Q. Is he connected with the headquarters at 885 Washington Street?—A. I decline to answer.

Q. Have you any friends or acquaintances at 1219 Blue Island Avenue, Chicago, Ill.?—A. No; I don't think so.

Q. Have you ever written to that address?—A. I decline to answer.

Q. Have you ever received any communications from there?—A. I don't remember what the address is.

Q. I hand this to you, do you recognize it. [Inspector hands to alien a roller such as newspapers or magazines are sent in by mail.]
A. Yes; I recognize it.

Q. What is it?—A. It is a communication from 1219 Blue Island Avenue.

Q. What was inclosed in it?—A. I am not quite sure.

Q. What do you think was inclosed in it?—A. That is the charter, isn't it?

Q. I have here a charter of the Communist Party of America, Central Branch, Boston, State of Massachusetts. Is that what came in it?—A. Yes.

Q. This is the charter of your branch, is it?—A. Yes.

Q. How many members has your branch?—A. I decline to answer.

Q. You as secretary and as secretary pro tempore are in a position to know, are you not?—A. Yes.

Q. Would you say there are 100?—A. I decline to answer.

Q. What are the dues of your branch?—A. Forty cents per month; everybody in the Communist Party.

Q. Are there any special assessments?—A. There have not been so far. We have not been in existence long enough to have special assessments.

Q. Does the constitution give authority for special assessments?—A. Yes; I think so.

Q. (The following communication is submitted, and part of it is in the handwriting of Mrs. Colyer. Such is admitted and accepted by her:) "Free translated from Russian by I. B. for the Central Executive Co. Com. P., Boston. To all the branches of the Russian

Communist Federation. Dear Comrades: After deliberating the question about our federation taking part in the technical conference called by the local soviet bureau, the central executive committee, after thoroughly familiarizing itself with this question from all sides, came to the following decision: Our federation, which is a political organization, whose duty is to develop the class consciousness of the workers by spreading the principle of communism, we can not waste our energy by taking part in such like conferences, which, under the existing American conditions, can not but fail to turn into an empty talk feast. The only real motive for calling such a conference can be the necessity of taking count and classing all the available technical talent who are ready in the opportune moment to give support to soviet Russia; but taking into consideration the present political situation in this country, it can be said with confidence that neither at the present moment nor in the near future is there any chance to send over all the registered technics to Russia, and therefore the only task about this question at the present moment is the making of a list of specialists in the different branches of industry. But for the sake of taking this list only, there is no need of calling a special conference. This can be successfully accomplished through the existing Russian Bolshevik federation understanding the problems of the coming conference only so and not otherwise. The central executive committee, standing guard over the principles of our federation, thinks that our branches have nothing to do at this conference. There is no question but that the call of Comrade Martens will be answered by the most diversified political elements of the United States. There will be our political enemies—anarchists—who in the interest of drawing the credulous masses will not be embarrassed by unnecessarily repeating their oath of their so-called allegiance to soviet Russia and its Government. There will be also the so-called independent organizations who but yesterday gave their allegiance to the Kerensky government and to-day are keeping up the hand kissing of the priest. There will also be individual specialist mechanics who in the hunt for pork will not refuse to take part in any convention whatever. But the branches of our federation who always, everywhere, are conducting an active campaign with the intention of tearing away the working masses from these hurtful political elements, can not participate in this convention, which for the above-named reasons will not bring the desired results. We are convinced that the problems of this convention can be solved without this unnecessary loss of proletarian energy. With comradely greeting, Central Executive Committee of the Russian Federation; secretary, O. Tywerowsky. (Original kept by Russian 1.—A. C.) Are those your initials, Mrs. Colyer?—A. (Examines initials.) Yes.

Q. Another communication which is marked with Mrs. Colyer's initials, A. C., and it says original kept by Russian No. 2, is as follows: "Free translation from Russian by I. B. for Cent. Ex. Co. Communist Party, Boston. To all branches of the Russian Federation. Dear Comrades: We are receiving some inquiries in connection with the call that appeared in the newspapers from the local representative of the soviet republic; Comrade L. Martens, where he calls together a technical conference for the 4th of July, 1919. The central executive committee (of the Russian Federation) taking

into consideration the whole importance of this question, recommends the branches not to decide on any action pertaining to this question until they receive special reasons from the central executive committee, which will be sent out in the near future. With bolshevik greetings, the central executive committee of the Russian federation. Secretary, O. Tywerowsky." Now, again calling your attention to the charges in the warrant, have you anything to say relative to them other than what has been brought out in this testimony?—A. I am not quite sure what is on the records, but I would like to say in connection with the exhibits that have been put on record that I accepted them as you read them out to me, my understanding being that nothing that you read advocates the overthrow of the Government by violence, and I would like to definitely state again with regard to the warrant that [reads warrant again] I am not a member of or affiliated with an organization that entertains the belief in the overthrow by force or violence of the Government of the United States; that I am not a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that I am not a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law; that I am not a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; that I am not a member of or affiliated with an organization that teaches opposition to all organized governments; that I am not a member of or affiliated with an organization that entertains opposition to all organized government. I would like to say that I do not know of any organization in the United States that advocates the overthrow of the Government by violence. You say that I am to prove that to you. I don't know how to. That is my affirmed conviction—I am quite sure I am right.

Q. If it is determined that the Communist Party, a party which you have acknowledged membership in, activity in, comes within the purview of the act of October 16, 1919, do you realize that membership in that organization may mean deportation in conformity with law?—A. Yes, of course; because I have to.

Q. Have you anything further to say why you should not be deported in conformity with law?—A. I think the Secretary of Labor in making such a ruling simply misinterpreted our movement.

Q. In the event that it is decided that you be deported in conformity with law, where do you wish to go?—A. I take exceptions to "in accordance with law," but I would like, if deported, to go to Soviet Russia. But I should like, of course, to go where my husband goes. I say that under the belief that he will agree. He has not had his hearing yet.

Q. In other words, you wish to confer with your husband relative to the selection of the place you shall be sent to?—A. If I am allowed to, I shall like to.

Q. The immigration law is that you shall be returned to the country from whence you came, is there any reason why you should not be returned to England, and then you can use your own discretion about going to any other part of the world that you desire other than the United States?—A. I wish to go to Soviet Russia, because that is the government under which I would prefer to live

and to work. I am uncertain as to the possibility of going there if once I get to England.

Q. Why, if you once get to England?—A. I don't imagine that they would give me a passport.

Q. That your own country wouldn't give you a passport to go to Russia?—A. I know they wouldn't let Henry MacDonald and Morrell go as international delegates to Soviet Russia.

Q. Do you recognize that England is the country that you are a subject of?—A. Yes.

(Description of alien: Five feet 3 inches, height; dark hair, dark brown eyes, and weighs 104 pounds.)

SUMMARY AND FINDINGS.

Amy (Withal) Colyer, 38 years old; can read and write; married; husband William Thomas Colyer, United States address: No. 1 Sunset Road, Wellesley, Mass.; born in London, England; citizen or subject of England; arrived in the United States July 27, 1915, per steamship *Carpathia*, Cunard Line, port of New York; does not wish to become a citizen of the United States.

I find that the said Amy (Withal) Colyer is an alien, citizen, or subject of England; that she was taken into custody upon information and affidavits furnished by agents of the Department of Justice; that she was a member of the Independent Labor Party or Socialists in England and became a member of the Socialist Party almost immediately upon arrival in the United States, this party becoming the "left wing" and which was absorbed by the Communist Party early in 1919; that she admits membership and continuous activity in the Communist Party up to the time she was taken into custody; that she is familiar with the teachings and manifesto of said Communist Party and unhesitatingly supports them. I further find that this alien comes within the purview of the act of October 16, 1918; that she is a member of, or affiliated with an organization that advocates the overthrow by force and violence, of all forms of law; that she is a member of or affiliated with an organization that teaches opposition to all organized Governments; that she is a member of or affiliated with an organization that entertains opposition to all organized Governments; therefore after considering all the evidence in the case, I recommend that she be deported in conformity with law.

NOTE.—Alien's husband is now in custody, under the same conditions as his wife, Amy (Withal) Colyer. Mrs. Colyer stated that her friends, if she is to be returned to England, will attend to her personal effects and she desires to accompany her husband in the event of deportation.

MARTIN J. LEONARD,
Immigrant Inspector.

MEMORANDUM TO THE COMMISSIONER GENERAL OF IMMIGRATION.

Amy (Withal) Colyer, 38 years old; can read and write; married; husband, William Colyer; United States address, No. 1 Sunset Road, Wellesley, Mass.; born in London, England; citizen and subject of England; arrived in the United States July 27, 1915, per steamship *Carpathia*, Cunard Line, port of New York; does not wish to become a citizen of the United States.

The said Amy (Withal) Colyer is an alien, citizen or subject of England; was taken into custody on information and evidence furnished by the agents of the Department of Justice. During her residence in her native country she was a member of the Independent Labor Party, or socialists, and became a member of the Socialist Party almost immediately upon arrival in the United States. This party was absorbed by the Communist Party during the early part of 1919, and she admits membership and continuous activity in the Communist Party (pp. 7 and 10) up to the time that she was taken into custody. She is a very well educated woman, and during the testimony it is very evident that she takes particular pride in stating that she is familiar with the teachings and manifesto of the Communist Party. She has been active in the work of the Communist Party, serving on committees, secretary of meetings, and clerical work at headquarters of the Communist Party, 885 Washington Street, Boston, Mass., typewriting articles for communist periodicals for her husband, William Thomas Colyer, and lecturing (p. 5). She is opposed to and has no desire to support the Government of the United States. She states, on page 7, that she is not in favor of her husband becoming a citizen of the United States. Asked why, her reply is, "I should not wish to swear allegiance to this Government." Q. Why?—A. I entirely disapprove of it. Q. In what way do you disapprove of it?—A. As a communist I am opposed to all capitalist governments. On page 9: Q. You have already said that you were a communist; what do you mean by that?—A. I mean a revolutionary socialist. As far as I understand, a socialist and a communist is the same, but the word "socialism" has become vague in its meaning and the communists agree among themselves more now than the socialists do. Page 7: Q. Are you a radical?—A. Certainly. Q. What do you mean by radical?—A. One who desires the present system of society radically altered.

A number of exhibits have been read into the record, and in so far as they relate to her, she admits the records are correct, and accepts the responsibility.

The hearing of this case has been gone into very minutely, for the purpose of determining the scope of the workings of the Communist Party in Boston and its vicinity. While this alien denies that any of the charges of the warrant are sustained, yet the examining inspector finds that said alien comes within the purview of the act of October 16, 1918, and recommends deportation.

MARTIN J. LEONARD,
Immigrant Inspector.

WARRANT—ARREST OF ALIEN.

UNITED STATES OF AMERICA,
UNITED STATES DEPARTMENT OF LABOR,
Washington.

No. 54810/209.

To H. J. Skeffington, commissioner of immigration, Boston, Mass.,
or to any immigrant inspector in the service of the United States.

Whereas from evidence submitted to me it appears that the alien,
W. T. Colyer, who landed at an unknown port on or about the 1st

day of January, 1919, has been found in the United States in violation of the immigration act of February 5, 1917, for the following among other reasons: That he is a member of or affiliated with an organization that entertains a belief in the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of all forms of law; that he is a member of or affiliated with an organization that advocates the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches the overthrow by force or violence of the Government of the United States; that he is a member of or affiliated with an organization that teaches opposition to all organized government; that he is a member or affiliated with an organization that entertains opposition to all organized government.

I, John W. Abercrombie, Acting Secretary of Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to take into custody the said alien and grant him a hearing to enable him to show cause why he should not be deported in conformity with law.

The expenses of detention hereunder, if necessary, are authorized, payable from the appropriation "Expenses of regulating immigration, 1920." Pending further proceedings the alien may be released from custody upon furnishing satisfactory bond in the sum of \$10,000.

For so doing, this shall be your sufficient warrant.

Witness my hand and seal this 30th day of December, 1920.

JOHN W. ABERCROMBIE,
Secretary of Labor.

MEMORANDUM TO THE COMMISSIONER GENERAL OF IMMIGRATION.

William Thomas Colyer, 36 years old, can read and write, married, wife Amy Colyer, United States address No. 1, Sunset Road, Wellesley, Mass.; born in London, England; citizen or subject of England; arrived in the United States July 27, 1915, per Steamship *Carpattia*, Cunard Line, port of New York. Obtain first citizenship papers January, 1916, at Boston, Mass., but now declares it is not his intention to complete them or become a citizen of the United States.

The said William Thomas Colyer is an alien subject or citizen of England, was taken into custody on information and evidence furnished by agents of the Department of Justice. During his residence in his native country he was a member of the Independent Labor Party or Socialists and became a member of the Socialist Party almost immediately upon arrival in the United States. This party was absorbed by the Communist Party during the early part of 1919 (p. 5), and he admits membership and continuous activity in the Communist Party up to the time that he was taken into custody. He is a very well educated man, and during his testimony it is very evident that he takes particular pride in stating that he is familiar with the teachings and manifesto of the Communist Party, and he unhesitatingly supports them. He has been active in the Communist

Party, serving on committees, chairman of meetings, clerical work at the Communist headquarters, 885 Washington Street, Boston, Mass., contributing articles for Communist periodicals, and lecturing (p. 14). He is opposed to, and has no desire to support the Government of the United States, he is in favor of but one form of government and that is "Soviet Russia." Quote his testimony as it appears on page 7 in reply to question, "Were you ever called a radical?" Answer, "I guess so." Question. "Is it true?" Answer. "In my interpretation of the work it is practically true. My interpretation of the word 'radical' is a person—either man or woman—who wants to get at the root of evils, rather than tinkering with the symptoms." Again his testimony is quoted, page 15, as follows: "Well, Communists are just like every other set of people, I think. They would not rule out the possibility of other methods in hypothetical cases, because every sane political judgment, I think, recognizes that in the past, other methods have been sometimes necessary. No Communist that I know of professes to be a prophet and what might happen in the future would be determined, not by the wishes of the Communist, but by conditions."

MEMORANDUM TO THE COMMISSIONER GENERAL OF IMMIGRATION.

A number of exhibits have been read into the record, and in so far as they relate to him, he admits the records are correct and accepts the responsibility.

The hearing of this case has been gone into very minutely, for the purpose of determining the scope of the workings of the Communist Party in Boston and its vicinity. While this alien denies that any of the charges in the warrant are sustained, yet the examining inspector finds that said alien comes within the purview of the act of October 16, 1918, and recommends deportation.

MARTIN J. LEONARD,
Immigrant Inspector.

UNITED STATES DEPARTMENT OF LABOR, IMMIGRATION SERVICE.

Report of hearing in the case of W. T. Colyer.

Under department warrant No. 54810/209, dated December 30, 1919.

Hearing conducted by Inspector M. J. Leonard at Deer Island, Boston Harbor; date, February 8, 1920.

Alien taken into custody at Deer Island, Boston Harbor, Mass., January 3, 1920, by Inspector Chester Macomber.

Minutes taken and transcribed by Marion E. Hill.

Said W. T. Colyer, able to speak and understand the English language satisfactorily.

Said W. T. Colyer was informed that the purpose of said hearing was to afford him an opportunity to show cause why he should not be deported to the country whence he came, said warrant of arrest being read and each and every allegation therein contained carefully explained to him. Said alien was offered an opportunity to inspect

the warrant of arrest and the evidence upon which it was issued, which privilege was accepted. The alien affirming, the following evidence was presented:

Inspector LEONARD. You have the right to be represented at this hearing by counsel; do you wish to avail yourself of that right?—A. Yes; I have selected the firm of Morris Ketsoff to represent me.

Mr. Silver being present on behalf of Mr. Ketsoff, hearing proceeded:

Inspector LEONARD to alien:

Q. What is your full name?—A. William Thomas Colyer.

Q. How old are you?—A. Thirty-six.

Q. Are you married or single?—A. I am married.

Q. Where were you married?—A. In London.

Q. On what date?—A. July 12, 1915.

Q. What is your wife's name?—A. Amy.

Q. Where is she at present?—A. In the hospital, I believe.

Q. What is your address in the United States?—A. 1 Sunset Road, Wellesley, Mass.

Q. Do you keep house there?—A. We have rooms.

Q. With whom are you rooming?—A. F. H. Winchenbach. He is the owner of the house.

Q. Where were you born?—A. In London, England; that is, it is called Greater London, although it is in the parish of Winsted. The British authorities treat it as London, however.

Q. What is the business of Mr. Winchenbach?—A. I don't know; we have only had relations as to renting rooms.

Q. What is your father's name?—A. Henry Theophilus.

Q. Is he alive?—A. Yes.

Q. Is he in the United States?—A. No.

Q. What is your mother's name?—A. Caroline.

Q. Is she living?—A. As far as I know.

Q. Living with her husband?—A. Yes.

Q. What is the address of your father and mother?—A. 33 Cornwall Avenue, Church End, Finchley, London, N3, England.

Q. Was your mother ever in the United States?—A. Not that I know of.

Q. When did you come to the United States?—A. In July, 1915.

Q. Will you give me the name of the ship, please, and the exact date that you sailed?—A. It was on the *Carpathia*. She sailed, I think it was Saturday, July 17, and we arrived on July 27.

Q. At what port?—A. At New York.

Q. Which class did you come?—A. Second. They were not carrying any steerage that trip.

Q. Who accompanied you?—A. My wife.

Q. To whom were you destined in the United States?—A. We had passports and we went to a boarding house to which we were recommended by a friend. We had no definite plans.

Q. Where was the boarding house located?—A. On West Twenty-third Street, I can not tell you for certain the number. The friend, if my recollection serves correctly, was an American, and I think the number of the house has since been changed, but we had the name of the place given us and we looked it up and stayed there, I should say, about a week.

Q. Have you taken steps to become a citizen of the United States?—
A. I did in January of 1916, but it is not now my intention to proceed.

Q. What did you do?—A. I took out first papers.

Q. Where?—A. In Boston.

Q. Why have you changed your mind?—A. Because of the treatment I have received and because I have discovered that the Constitution of the United States and the Declaration of Independence and the historic speeches of Lincoln are interpreted entirely different by the authorities from any way which I could possibly imagine by reading these documents.

Q. I have here the warrant for your arrest, which, no doubt, has been shown to you before, but I will hand it to you again for your inspection and ask you if you have read it.—A. Yes; I have seen it before and have read it carefully.

Q. Do you understand it?—A. Yes; I understand it.

Q. What is your occupation in England?—A. Until I left, I was on the local government board, the English local government board.

Q. What are the functions of that board?—A. They supervise local administration; they give authorization to municipalities to raise loans, and supervise the auditing of such accounts. It also at the time attained the supervision of all public health measures in which the imperial and municipal authorities cooperated in the matter of expense of administration and it also had a number of semijudicial functions.

Q. Where was this board located?—A. In London, on Parliament Street, near the House of Parliament.

Q. Were you employed there up to the time you were booked for the United States?—A. I could not say whether I booked before I resigned or whether I resigned after I booked.

Q. Do I understand that you sent in a resignation?—A. Yes.

Q. Were you asked to resign?—A. No.

Q. Were there charges against you?—A. No. I wasn't advised to resign. I resigned because I didn't wish to be in the service of the department which I considered was being used for political purposes.

Q. Were you arrested in England?—A. Never.

Q. Why did you come to the United States?—A. Because there was no opportunity at that time for an Englishman entertaining the views that I did to obtain an economic footing. I therefore applied for a passport and received it. As I have explained, I interpreted the Constitution and other historic documents connected with the United States in a way that apparently is not recognized in this country. It was my intention to become a citizen of the United States.

Q. Were you in conflict with any English authorities before coming to the United States?—A. What do you mean by "conflict"? I didn't agree with many of the policies of the Government, but, of course, in the civil service in England one has no opportunity to express his opinion.

Q. Did you belong to any organization in England?—A. I belonged to the Independent Labor Party. It is the Socialist Party.

Q. Is it international?—A. It is a British party.

Q. Do they have any connection with socialists in other parts of the world?—A. All socialists are more or less connected, I understand.

Q. When you left London, or when you left England, did you have the address of any socialist in the United States?—A. As it happened, I did not.

Q. Was Mrs. Colyer employed at anything while in England?—A. No; we married a few days before we came away.

Q. Do you own any property in England?—A. No.

Q. Does Mrs. Colyer?—A. She has some shares, but nothing of any amount. It would not maintain her at all.

Q. Where were you taken into custody?—A. At Wellesley.

Q. At home?—A. Yes.

Q. Do you know why you were arrested?—A. Well, the warrant was read to me.

Q. Is that sufficient reason?—A. I don't think so; but apparently, there are two opinions on that. That is to say, when I make that reply, I mean to say that I don't recognize these descriptions as properly applicable to the organization I belong to.

Q. Do you know why the warrant was issued against you?—A. I can only guess.

Q. What is your guess?—A. My guess is that I was a member of the Communist Party of America.

Q. When did you join the Communist Party?—A. I was passed over to it when the Socialist Party in Massachusetts became part of the Communist Party.

Q. When was that?—A. I couldn't give you the date.

Q. About when?—A. It was in the summer of last year.

Q. You can not recall the date?—A. I have no recollection of the date.

Q. How long did you stay in New York?—A. A week, I think.

Q. Then where did you go?—A. To Boston, and as there were no boats running direct, we had planned on a stop-over, but found that we must come up by the way of the Fall River Line.

Q. Where did you go in Boston?—A. To 70 Pinckney Street.

Q. Did you have friends living there?—A. No; but we made inquiries at 25 Beacon Street, as we had been previously interested in the Unitarian movement in England, and we naturally went to Beacon Street to try to locate, and they have a list which they use for these things, and we went to one or two of the people on that list. We happened to locate with these ladies at 70 Pinckney Street. To the best of my belief they were Irish Catholics.

Q. At the beginning of this hearing, you stated that you desired to affirm to tell the truth. Is there any reason for that; do you believe in a Supreme Being?—A. I did at one time. I am an agnostic about it now. It is just as binding as though I said, "So help me God," but I don't know that there is a God, and haven't any means of finding out.

Q. How long is it since you have come to this conclusion?—A. I was always a vague theist when I was a theist.

Q. After you arrived in Boston did you join any organization or party?—A. I joined the Socialist Party.

Q. Where?—A. In Park Square.

Q. What number?—A. 14.

Q. When did you join them?—A. In May, 1916, I think it was, as I recollect. The officer took my card, I believe, when I was arrested.

Q. How long after you joined the Socialist Party in Boston was it before it became a part of the Communist Party, or in whole, the Communist Party?—A. Well, that would be rather more than three years, if I am right, it being the summer of last year, and I am practically sure it would be the summer of last year.

Q. Then three years elapsed between the time you joined the Socialist Party and the time that you were taken over by the Communist Party. That would make it the summer of 1919?—A. Yes.

Q. Do you know about what month?—A. I think it was June or July.

Q. Do you know what took place that did away with the Socialist Party before formulating the Communist Party in the summer of 1919?—A. There was a majority vote of the members, after the Socialist Party of Massachusetts was expelled from the National Socialist Party.

Q. What caused this to happen?—A. It beats me to know; we never had a proper investigation.

Q. Do you know the teachings of the Communist Party?—A. Yes.

Q. Have you read them?—A. Yes.

Q. And you subscribe to them?—A. Yes. However, I don't regard the presentment of any verbally inspired document, but I render complete assent to the principles of the Communist Party as I understand them.

Q. You having read the principles and appearing to understand them, can you name any part of the program of the party or the manifesto that you don't uphold or adhere to?—A. No; I was simply protecting myself from being trapped into a particular interpretation of some special phraseology. I mean if I was on the platform committee as an individual I might suggest variations in certain wordings, but when it was passed by the majority it is beyond me.

Q. Since you have been taken into custody, have you heard anything relative to the stand of the Government or the interpretation of the Government as to the Communist Party?—A. I have seen it stated in the press that it is considered to be sufficient ground for deportation to belong to this party. I don't know whether this is true or not for certainty; some very strange things appear in the papers.

Q. Do you realize that your admission that you are a member of the Communist Party, brings you within the purview of the act of October 6, 1918, from which act the allegations in this warrant are taken.—A. I know that allegation is made.

Q. Do you realize that you are within the purview of the act of October 6, 1918?—A. I don't recognize the descriptions in the warrant as applying to the party involved, that is the particular organization which you mention.

Q. You are familiar with, you say, and you have read the manifesto of the Communist Party?—A. Yes.

Q. And you subscribe to what you have read?—A. I do to all its general principles and doctrines, I am not prepared to repudiate a word of it.

Q. After you arrived in Boston, what kind of work did you take up?—A. I endeavored to get a living by writing and lecturing.

Q. On what particular subjects did you write or lecture?—A. I lectured and wrote on international relations and on questions relative to socialistic welfare, generally.

Q. Were you ever called a radical?—A. I guess so.

Q. It is true?—A. In my interpretation of the word, it is practically true. My interpretation of the word "radical" is a person, either a man or a woman who wants to get at the root of evils, rather than tinkering with the symptoms.

Q. At the time you became a member of the Socialist Party in Boston, had you then intended to complete your citizenship?—A. Surely; I intended to do so until quite recently.

Q. Until when?—A. Well, within a short period.

Q. Within the last five weeks?—A. Well, perhaps a little longer than that.

Q. You no doubt understand the form of Government we have in the United States?—A. Well, I understand the description of it but it is anything but like the historic documents picture it.

Q. Is there any particular part of it that you are not in favor of?—A. As I have already explained, on the strength of the documents which I have read, I have a great deal of sympathy with it. That is why I intended to take out citizenship, but I am unable to follow the interpretations placed upon it by those who have the administration of it.

Q. How many times did you lecture against the form of government which England has?—A. Never.

Q. Are you in favor of it?—A. No; I am not.

Q. What would you do to change it?—A. I would endeavor to educate and propagandize the people to bring them to a condition where they would wish to change.

Q. Did you attempt that?—A. No; my position precluded any such thing. British civil servants are under obligation to take no part in politics.

Q. In the United States we have a different form, but you are opposed to that, are you?—A. I regard the United States as having what you might call a duplicate form of government—one on paper and one in practice.

Q. Is there any government which you are in favor of?—A. I think there is one government, and that is soviet Russia.

Q. Why do you think so?—A. Because it is based on the duty of all to work and upon the limitation of the right to vote to those who render service to the community.

Q. But is it being carried out or is it theoretical?—A. My belief is that it is being carried out.

Q. But you don't actually know about it, do you?—A. I know as much about it as anyone could know who resides at a distance.

Q. What have you read about it?—A. I have read some of Lenin's pamphlets. I have read many newspaper extracts, over which I have endeavored to exercise intelligent criticism. I have read some things by John Reed. I have read some of Louis Bryant's books and Bessie Beach's book on "The Red Heart of Russia."

Q. What is the paper or pamphlet that is owned and controlled by the Communist Party that spreads their propaganda?—A. I decline to answer that.

Q. Have you ever written articles for it?—A. I have written articles for communist propaganda.

Q. Did you write for a paper that represents the Communist Party in the United States?—A. Well, what paper? I decline to answer that question.

Q. I believe I touched on what you started to do for a living and after arriving in Boston you said you wrote articles and attempted to lecture. Did you do anything else besides that?—A. At that time, I didn't. That period lasted for nearly a year.

Q. Have you had any regular employment since you came to the United States?—A. Yes; I succeeded in getting an opportunity—that is, a job. This job included a good deal of editorial work and a certain amount of speaking at times and general office executive work with which I was familiar.

Q. How long have you been on the editorial staff of the Communist?—A. I decline to answer that question.

Q. Have you received any remuneration for your services on the Communist editorial staff?—A. I decline to answer that.

Q. How long have you been a writer or belonged to the editorial staff or been otherwise connected with The Worker?—A. I have no official connection with The Worker, although I have written articles for The Worker.

Q. Would you care to tell us the subject of the articles?—A. I wrote one on "Communism and womanhood."

Q. About when did that appear?—A. I guess it would be in December. I wrote one not long distant from that on "The anniversary of the Bolshevik revolution in Russia." I also wrote an article on the situation and the outlook in England.

Q. Those are subsequent to December, 1919?—A. I think so.

Q. In other words, I interpret that the first articles you mention were written in December, 1919, and those others are subsequent to that?—A. I would not be sure whether they are chronological or not.

Q. How long have you been in the Communist school movement in Boston?—A. What do you mean? As a matter of fact, I never had time to be active in it at all. I have never taught in it.

Q. Where is it located?—A. I decline to answer.

Q. When was it established?—A. I decline to answer.

Q. Were you a teacher in it?—A. I decline to answer.

Q. Did you lecture there?—A. I decline to answer.

Q. What is the purpose of the school?—A. I don't recollect. I guess you will find notices in some of the publications of the Communist Party which have been under observation. I could not give you offhand a definition.

Q. What is necessary for children to be admitted to the school?—A. I don't know.

Q. Did you ever hear?—A. No; not that I know of.

Q. How long have you been employed at 885 Washington Street, Boston, the headquarters of the Communist Party?—A. You mean for money?

Q. Yes.—A. I haven't been employed there at all for money.

Q. How long have you done work there without remuneration?—

A. While I was a member of the Socialist Party, but the Socialist Party moved its headquarters to that address, and it is my practice, when a member of an organization, to take a more or less active part in any offices that I have been elected to. I couldn't give you the dates, but I have been going along the same way ever since I joined the movement.

Q. When the Socialist Party was taken over, or when it became a part of the Communist Party, was the transfer made on vote?—A. As I recollect, by a majority vote.

Q. And that majority vote was to align themselves with the Communist Party?—A. Well, as I recollect at that moment the Communist Party of American was not in existence. It was decided to form a new party in Massachusetts.

Q. When did the Communist Party come into existence?—A. I could not, I am sure, attempt to give you the exact date, but it was in the fall of last year.

Q. About September 1, 1919?—A. I think it was early in September.

Q. Where was the convention held?—A. I decline to answer.

Q. You know that it was in Chicago?—A. I decline to answer.

Q. You know your Boston branch sent delegates to Chicago?—A. I decline to answer.

Q. Has any program or manifesto, as a result of the Chicago convention, been promulgated?—A. I decline to answer.

Q. Did you ever see one?—A. I decline to answer.

Q. Did you ever live at 101 Forest Hills Street, Jamaica Plain?—A. For a short time.

Q. Was that previous to the time you went to Wellesley?—A. Yes.

Q. Then, I have here a membership card of the Socialist Party, in the name of W. T. Colyer, 101 Forest Hills Street, Jamaica Plain, admitted June 15, 1916. This is introduced as evidence in your case and marked "Exhibit No. 1." I pass this membership card to you, and I ask you if it is yours?—A. Surely.

Q. I have here another membership card in the name of W. T. Colyer, 1 Sunset Road, Wellesley, signed by Minnie Federman, secretary, address 885 Washington Street. I introduce this as evidence in your case and mark same "Exhibit No. 2." I pass this to you and ask you if it is yours?—A. Yes; it is mine.

Q. I have here a membership card in the Communist Party of America in the name of W. T. Colyer, 1 Sunset Road, Wellesley, E. P. Hutchins, secretary, 885 Washington Street, and on the back of the card appears the following record: "Transfer record: Socialist Party—Date admitted, June 15, 1916; date withdrawn, August 28, 1919; local, Boston, Mass.; branch, Central; secretary, E. P. Hutchins. Communist Party—Date admitted, August 28, 1919; local, Boston, Mass.; branch, Central." I will pass this to you and ask if it is not yours, and if this book doesn't clear up the matter and show the exact date that you became a member of the Communist Party.—A. Yes; that is mine, and it fixes the date.

Q. And that record of the secretary should be correct?—A. I think that the card correctly represents the facts.

Q. Referring to the school that I spoke about a few minutes ago, wasn't it known as "the Boston School of Social Science"?—A.

What school is that? My answer to that would be that the "Boston School of Social Science" is an entirely independent organization with nothing to do with the Socialist Party or the Communist Party.

Q. Then I infer from that that there is still in existence a school that relates wholly to the Communist Party?—A. On that I could not say definitely, because I am not familiar enough with the organization of schools that existed unquestionably for the promulgation of communism, neither am I prepared to admit that such schools actually existed as party organs.

Q. When the transfer was made from the Socialist to the Communist Party, what sort of an application did you sign? Was it a blank application or individual?—A. In my mind, it seems that I signed an individual application.

Q. The transfer, then, was made by a majority vote?—A. To the best of my recollection.

Q. And you were among the majority at the time the vote was taken?—A. I was.

Q. Some time ago, I don't just remember the date, there were resolutions formed and adopted at a meeting of aliens, and the last resolution reads as follows: "We demand that if we are not permitted to remain in this country, we be turned over to the jurisdiction of L. A. K. Marten, representative of the Socialist Federation Soviet Republic, for transportation to that country." Did you have anything to do with the forming of that resolution?—A. My recollection is that I helped to put it into what I would call clear English.

Q. Were you present at the meeting at which it was adopted?—A. Yes.

Q. Were you in favor of that resolution?—A. Yes; I am.

Q. In the event that it is possible that you be deported in conformity with the law, where do you wish to be sent?—A. My understanding was that the law provides for deportation to the country from whence the alien came.

Q. Is that correct?—A. Yes; it is absolutely correct.

Q. Your wife has stated that she is willing to be guided by your decisions and abide by your wishes absolutely?—A. Yes; I understand that she is willing to go that way, and my feeling is that, if I am not transferred to Soviet Russia, I don't care particularly to what port the immigration authorities send me. That, I take it, carries with it the expression of my wife's sentiments. That is, advantage will not be taken of this answer to treat her one way and me another.

Q. No; your wife has agreed that your decisions are satisfactory to her. Do you understand what is meant by the "left wing" of the Socialist Party?—A. I can not now. I have sort of an impression, and it is only an impression of an outsider, that it is still an organization or a body that describes itself in that way, but exactly what it stands for, I do not know.

Q. Don't you know that the name "left wing" was given to that particular part of the Socialist Party that became a unit of the Communist Party?—A. Yes; I heard that.

Q. Isn't that a fact?—A. Yes; it is true that the Communist Party was mainly formed by the left wing of the Socialist party.

Q. Then, if I said that I was a member in good standing of the left wing of the Socialist Party up to December 31, 1919, I would

be a "comrade" or member of the Communist Party, would I not?—A. Not as I understand it. For one thing, the left wing is not a dues-paying organization. It was a conference.

Q. Were there not special sums provided for those who were members of the left wing and who desired to pay their dues up to December 31?—A. I don't know about that.

Q. I find a stamp in your book which bears the address of 101 Forest Hills Street, Jamaica Plain, marked "Exhibit No. 1" "special party building, antimilitary assessment, 25 cents." What is meant by that?—A. I can't remember the exact circumstances under which it was issued. It was clearly a stamp issued by the party and one was purchased by me for 25 cents as a member of the organization.

Q. Do you know what you contributed the 25 cents for?—A. I did know at the time, but I can not carry the recollection in my head of every 25 cents that I spend.

Q. In reading that stamp, doesn't it bring to your mind what the assessment was levied for?—A. No. Possibly it was for the purpose of erecting a building somewhere, perhaps for a campaign to prevent the United States from becoming Prussianized.

Q. Was the draft on in England when you left for the United States?—A. No; it wasn't. In fact, the Government did not intend to introduce any such measures at the time.

Q. Do you know the history of the draft in the United States?—A. Yes; I registered under it.

Q. Were you opposed to it?—A. What do you mean? I took no legal measures.

Q. Did you speak against it?—A. I took part in certain meetings prior to the legislation being introduced, expressing an opinion that such legislation wasn't for the best interests of the people, but I did nothing of a legal character.

Q. Did you express these opinions after the act was passed?—A. No. As nobody did anything to me, I didn't. My recollection is that the utmost to which I went was the right that I maintained to educate to the repeal of laws which seemed to be against the public interests, but I haven't any recollection of speaking on the subject after the law was in the lower form. I realize that is one of the phases of the situation that is bound to have different interpretations.

Q. Where did you register?—A. In Wellesley. I think I can present my registration card.

(Alien presents registration card in the name of William Thomas Colyer, Sunset Road, Wellesley, Mass., September 12, 1918, Local Board, Division No. 33, Needham, Mass.)

Q. Do you know who headed the Left Wing Party in September or the latter part of August?—I don't.

Q. Did you ever hear?—A. I never heard of that character believing in leaders.

Q. You know that you mentioned John Read of New York?—A. I mentioned him as being the publisher of a book.

Q. Don't you know he was the leader of the left wing at Chicago last year?—A. I don't recognize any leaders. That would be the attitude of the overwhelming majority of persons in the left wing of the old Socialist Party as I understand it. They regard the organization as paramount.

Q. But isn't it necessary to have some one person bring the objects of the convention before the convention? It isn't left to everybody on the floor to do that, is it?—A. You could get an act under way by committee action and instruction of delegates.

Q. Were you in Chicago at that convention?—A. I decline to answer.

Q. Were you in Brooklyn, N. Y., in July of last year?—A. No; I don't think I was in New York. If I was it was not in connection with political affairs.

Q. How many times have you been in Chicago?—A. Once.

Q. What year was that in?—A. May, 1918, also not on political business.

Q. Did Mrs. Colyer accompany you to Chicago?—A. She did.

Q. I will call your attention to the following: "The Communist Labor Party proposes the organization of the workers as a class, the overthrow of capitalistic rule; the acquirement of political power by the workers. The workers shall own and control the factories, land, mills, mines, transportation systems and financial institutions. All power to the workers." Did you ever hear that as part of the Communist or the Communist Labor Party platform?—A. I may have heard it; I am not a member of the Communist Labor Party and I could not recognize it off hand.

Q. Do you subscribe to such teachings or such part of the program as that?—A. It seems to me the sentiments expressed are fundamentally sound.

Q. Do you approve of them?—A. I am in general sympathy with them.

Q. Isn't it a fact that you have lectured and written on just such matter as that since you have been in the United States?—A. What do you mean by lecturing or writing? I have lectured and written advocating communism.

Q. I mean being specific in your lectures, such as I have read here. For instance, referring to the workers as the ruling class, haven't you lectured in that manner and written on those subjects?—A. Yes. I have advocated those things since being in the United States.

Q. How would you accomplish that?—A. Well, by educating the service-rendering class to the point at which they would be prepared to organize themselves as a ruling class. At present they are governed by small political gangs and broken up at will so that they never attain political power as a unit and my idea is if they realized the economic conditions and industrial conditions under which the world is carried on, they would organize as a class unit, in which case I believe they would be sufficiently numerous and powerful to organize industry and government for their own interests.

Q. But supposing that method proved too slow, has communism thought of any other way of bringing it about?—A. Well, Communists are just like every other set of people, I think. They would not rule out the possibility of other methods in hypothetical cases, because every sane political judgment, I think, recognizes that in the past, other methods have sometimes been necessary. No Communist that I know of professes to be a prophet and what might

happen in the future would be determined not by the wishes of the Communist, but by conditions.

Q. Isn't it a fact that Communists advocate revolutionary means to accomplish their purposes, when other means might accomplish that purpose and when I say "revolution" I mean revolution in the form of force and violence?—A. I don't think there is any doubt but what in some parts of the world, in necessity, force has been used by Communists to give effect to ideas. The same is true of the American Revolution and the French Revolution and every other revolution in the history of the world, but I am not aware of any Communist who has advocated for revolution in the United States. There are many people in the United States—outside Communists—who are and have been in favor of violence and you are not forced to look into history for these; it is a question of conditions. If they happen to take a bloody form which they didn't intend to do, that is determined by conditions and not individuals from my point of view and from the Communist point of view.

Q. If that is some of the teachings of the Communist Party to-day, and you have admitted membership in the Communist Party, if it is found necessary to adopt that particular action, the so-called "mass action," do you assume your part of the responsibility as a member of that party?—A. Mass action—that is not necessary and it is not as I understand it at all associated with violence. Mass action is something entirely distinct from revolutionary violence. It means the mobilization of the unorganized workers on their own initiative and in support of organized groups, who may by taking action for the cessation of work, react to the advantage of all. That is what I understand by mass action. It has no connection, in my mind, with force or violence.

Q. Then considering mass action, do you assume the responsibility that is yours by being a member of the Communist Party, if strikes became broadcast of unorganized workers throughout the United States?—A. I don't see that any special responsibility is attached to a member of any organization. However, I would certainly, should the condition arise where I could be of any service, I would certainly do my part toward directing things into what I considered the most hopeful channels. Of course, I am not quite sure of what you want me to bring out.

Q. Well, it is a well-known fact that communism, among its many doctrines, teaches so-called "mass action" as you have described it; strikes all over the United States or perhaps all over the world, by unorganized people. The result of those strikes, judging by what has already taken place in conflicts of that kind, may be disastrous to the community. Do you accept the responsibility coming from such strikes?—A. I would not admit that such strikes might be disastrous to the community. They might be of special interest.

Q. You being a member of the Communist Party, and they favoring such movements, would you accept your responsibility, pay your dues, and adhere to your membership in the party?—A. I would be in favor of supporting mass action.

Q. Coming to the revolutionary or bloody conflict, if such were found necessary or had taken place, do you assume your responsibility as a member of the Communist Party in such action?—A. I

don't quite understand the question. Is it desired to ask me if I consider a member of the Communist Party as responsible for any violence that might occur or any struggle which the Communist Party favors. It seems to me that no member of the Communist Party seems to incur such responsibility.

Q. Doesn't the Communist Party teach with regard to certain objects which they set out to attain—for instance, the overthrow of capital, if this can not be accomplished by peaceful methods, they would try other methods. Isn't that part of the doctrine of the Communist Party?—A. I have never heard it put quite that way.

Q. Have you heard it meaning the same?—A. No; never. I have heard it put in a way which I believe would be as follows: In the event of the cessation of industry, and an effort being made by the reactionary forces such as has happened in Pennsylvania, with the attempt to shoot down women and drive men into their own homes in defiance of law and order and arresting attorneys who endeavored to come down to answer affidavits, it would in some cases be necessary for individual citizens to exercise their rights under the Constitution, to protect themselves from the brutal outrages which might be attempted under the guise of law and order.

Q. Would you be one of the citizens to take the law in your own hands?—A. I would be extremely reluctant to, but I would not answer for what might happen. Supposing some person hired by the Steel Trust should attempt—

Q. How would you determine whether they are hired by the Steel Trust?—A. Well, I think the evidence would have to be strong. Let us say that some person without any proper warrant endeavored to knock my wife down in her own kitchen. I would not attempt to say that because that person happened to be wearing a particular kind of uniform that I would stand by and smile on that account.

Q. Don't you think you are going too far?—A. Well, that is what positively happened in the Pennsylvania strike. People's homes have been invaded and they have been beaten up.

Q. You have no proof other than what you have heard or read, have you?—A. Well, I have read it from more than one source.

Q. Do you believe in the law and order of the courts?—A. Of the right sort.

Q. What is that?—A. A law and order that holds between individuals.

Q. Who is to judge that?—A. Well, I think that public opinion in the community should be the last court of appeal in that particular matter; otherwise, it would be possible for any lawless ruffian to shoot up the community while they were waiting to appeal to the courts. There comes the point where the individual must decide, as the court action is too slow. In breaking up a lynching, for instance, it would be practicable, in order for a citizen to save a man's life, if he saw a chance of succeeding or organizing a group to break it up.

Q. Do you believe in the jury system?—A. I don't believe the present system works fairly.

Q. Is there any part of the United States Government to-day that you believe in?—A. Yes; there is a clause in the Constitution that provides that when the people so desire they can change the law.

Q. That is all?—A. I would not say that; I haven't the Constitution before me.

Q. Aren't you familiar with the form of Government which you are enjoying in the United States?—A. I am more or less familiar with the laws which are in operation in the United States.

Q. Is there any part of them which you are familiar with that you are satisfied with?—A. Well, I am entirely satisfied with a free press, free speech, and free assembly; that is, I am satisfied with these as represented on paper, but I am not satisfied with the interpretation placed upon them.

Q. By the interpretation put upon the laws by whom?—A. By the regular representatives of the people, by the persons who have control of the political machine. I don't, I will say frankly, I don't regard the existing scheme of things as satisfying the paper requirements of the Constitution, although some forms are kept up. I think, for instance, the Tague-Fitzgerald affair indicated clearly the nonexistence of a living democracy. Whatever may be the outcome of these things—they have fallen into the hands of a group of men who have made politics their life study, and if one would devote themselves to such a life study and division of politics, then perhaps it would be possible to become a Tague or Fitzgerald. In this way they seem able to get what they want under the Constitution. If they decide they want a particular thing, they can have it. I suppose a good many people in the United States would like to abolish such a thing, but a number of old gentlemen in Washington, whom I think I am right in saying have a doubtful status as to their right to declare, they say it is constitutional, and, of course, this should be regulated through the interstate commerce. I know also that an amendment to the Constitution gives, you all know, the Negro of the South the right to vote to some extent, and how much is it exercised? There are lots of these things which I approve of on paper, but under the existing laws they are not given the proper interpretation.

Q. Then, if that is so, according to your system, the Communist Party hopes to change things by education?—A. Not to change things or conditions, but to have education until such conditions arise.

Q. Well, even at that, aren't you missing a great deal by not desiring to complete your citizenship and assisting in this education, in order that these things may be brought about?—A. I don't think I can be of use. I think the United States Government has rendered it a practically economic impossibility for the one kind of work for which I have been trained. To be sure, I could get a rough worker's job, but I doubt my ability to find an economic foothold, whether I am innocent or guilty.

Q. I have here, which I will introduce as evidence in this case, marking same "Exhibit No. 4," affidavit made by special agent of the Department of Justice, signed by Walter B. Poole. [Questionnaire introduced as evidence in this case, marked "Exhibit No. 5." Showing same to alien.] Is that your signature at the bottom?—A. Yes; that is all right.

Q. I have here a paper called the Communist, which is introduced as evidence in this case and marked "Exhibit No. 6." On part of the second page will be found "Call for national convention for the purpose of organizing the Communist Party of America." This is dated Saturday, July 19, 1919. Is it yours?—A. I guess so.

Q. Have you read this paper?—A. I will not swear that I read every word of it, but I looked it through, unquestionably.

Q. Then you are familiar with the principles of the Communist Party of America as set forth therein?—A. I should be.

Q. I have here another Communist, which is combined with the Revolutionary Age, under date of November 8, 1919, Chicago, Ill. The first page has for a heading: "The State—Strike breaker." This is introduced as evidence and is marked "Exhibit No. 7." Is it yours?—A. Oh, yes; I guess so.

Q. Are you a contributor to this paper in money or articles?—A. I decline to answer.

Q. I have here another copy of the Communist, combined with the Revolutionary Age, dated September 27, 1919, at Chicago, Ill., which I will introduce as evidence in this case, marking same "Exhibit No. 8." Is this yours?—A. I guess so.

Q. Is there any article in this paper which you have written?—A. Not that I know of.

Q. I have here another copy of the Communist, which is dated November 15, 1919, Chicago, Ill., which I will introduce as evidence in this case marked "Exhibit No. 9." Is this your property?—A. Yes; it was until it was taken from me.

Q. I have here another copy of the Communist, combined with the Revolutionary Age, which is dated November 22, 1919, Chicago, Ill., which I will introduce as evidence in this case and mark same "Exhibit No. 10." The first page contains an article called "Reaping the whirlwind." Is this yours?—A. What? The article or the paper?

Q. The paper, I mean.—A. Yes; the paper is mine.

Q. Is the article yours?—A. No; it is not.

Q. I have here a copy of the Communist which is dated November 29, 1919, Chicago, Ill., which is introduced as evidence and marked "Exhibit No. 11." On the first page is a picture of the Third International at Moscow. Is this yours?—A. Yes.

Q. What do you understand about the Third International?—A. I understand its code by the parties who sympathize in general terms with the principles that the Communist Party of Russia is endeavoring to put into force in the country of Russia.

Q. I have here The Worker under date of November 1, 1919, which is introduced as evidence and marked "Exhibit No. 12." On page 8 of this paper it reads: "The duties of the local labor committee shall be: to carry on Communist propaganda among the workers in the shops, mills, mines, and industries. To organize shops committees in the industries, composed of members of the party, who shall distribute literature, notify their fellow workers of prospective educational meetings, carry on general agitation, supply information as to the details of their respective industry to the local labor committee, who shall in turn pass this information on to the central labor committee. Shop committee shall at all times maintain contact with

the Communist Party. The purpose of the above program being to consolidate and unify the activities of the Communist Party and its propaganda with relation to the rank and file of the workers on the job and to prepare them for united action." Are you a member of the committee mentioned?—A. I wasn't, but I would have been if I had been in position to take the kind of action that is mentioned effectively.

Q. Then you are not a member of that committee?—A. No; but I would have been glad to be, if I could have rendered service.

Q. You know there is such a committee?—A. Well, it is so stated there.

Q. Do you know whether or not you were suggested for membership on that committee?—A. No; I don't.

Q. On page 15 of "Exhibit No. 12" we find the following: "Secretary's report, adopted by the general membership meeting of Communist Party of Greater Boston. The internal strife within the left wing movement has affected the activities of the local, for the last three months, to a considerable extent. Although 18 branches were under the jurisdiction of the local, the regular dues were received only from six branches. Activities of the local. Nevertheless, central committee spared no effort in keeping the red flag flying and communist propaganda was carried on continuously. Not less than 50,000 leaflets have been distributed in shops and factories and from house to house. Before the police strike, street meetings were held regularly on Mondays and Saturdays, and Sunday meetings on Boston Common. Also five hall meetings have been held, which, although they were not very well attended, helped to keep the members active. Especially Ruthenberg's meetings contributed much to this effect. The few active Boston branches are also entitled to the credit that they were the chief supporters of the State office and the New England Worker. Donations amounting to several hundred dollars have been made by some branches, and the central committee has loaned the State office \$450 for the special police strike issue of the New England Worker. Branches: In July, 1919, Boston local consisted of the following 18 branches: Allston Finnish, Central, Estonian, German, Hyde Park, Lettish No. 1, Lettish No. 2, Lithuanian No. 60, Lithuanian No. 162, Mattapan, Roxbury, Roxbury Jewish No. 1, Roxbury Jewish No. 2, Roslindale, Russian No. 1, Russian No. 2, West End Jewish, South End Jewish. Since then Allston Finnish branch has left the local and Roslindale branch was disbanded. As per instructions of central committee the secretary sent a communication to the following 24 branches inviting them to join the local: Belmont, Cambridge Polish, Chelsea Jewish, Mattapan, Mattapan Jewish, Newton, Norwood Finnish, Revere, Revere Jewish, Quincy Finnish, Quincy Scandinavian, Dorchester Scandinavian, Quincy Jewish, Winthrop, Waltham, and Watertown. In the near future the Boston local will consist of about 40 branches with over 2,000 members." On the same page, appears this paragraph: "Communist school for adults. The executive committee is also planning to establish a Communist school for adults which will meet every first and third Monday nights at the headquarters. The purpose of this school will be to teach the members the principles of communism and also to interest them in the study of Marxian economics and to develop their ability as communist

propagandists and agitators. Comrades Colyer, Sidis, and Resnick have been appointed directors of this school." When were you appointed, Mr. Colyer?—A. I wasn't told until some time after that; I couldn't give you the date.

Q. About when was it?—A. I think it was informally by conversation. I couldn't even give you an idea of the date.

Q. Which one of the three members who appear here was elected chairman of the committee or the directors?—A. That I can not say. I am not sure that I ever attended a meeting.

Q. Does the expression refer to you or your wife when it says "Comrade Colyer"?—A. I rather guess it refers to me.

Q. Is this paper yours?—A. Oh, I guess so.

Q. On page 16 of this same exhibit, Exhibit No. 12, appears a list of locals. Will you kindly look at this and see if it is correct [handing paper to alien]?—A. If it wasn't correct, it would not be there. I can not tell personally whether it is correct or not.

Q. Have you visited any of the locals mentioned on the back of page 16, which I have just showed to you?—A. I might have.

Q. In an official capacity?—A. No.

Q. Did you ever deliver any lectures at any of them?—A. No.

Q. You were scheduled to speak in Worcester. Comrade Ellis, I believe, gave you the invitation. Did you speak there?—A. I have spoken there. I spoke there for the Communist Party once.

Q. What was the subject of your talk?—A. I really could not say; but I think it was industrial democracy.

Q. Did you read from a prepared speech?—A. I could not possibly read from a prepared speech in the open, because it goes against the grain anywhere.

Q. Have you spoken in Worcester in a hall?—A. I did three years ago; about the high cost of living, I think.

Q. Not since then?—A. I have no recollection of it; I couldn't say that definitely. Don't take that as a distinct affirmation that I have not. I really don't think I have, though, because I can not recollect it.

Q. I have here a copy of the New England Leader, dated Fitchburg and Boston, Saturday, June 10, 1919, and addressed to you at No. 1 Cravit Street, which I will introduce as evidence in your case, marking the same "Exhibit No. 13." Special attention is called to the first page, the heading of an article reading as follows: "Massachusetts Socialist convention adopts 'left wing' program—Nominates Bramhall, Lawrence strike leader, for governor—Raises \$2,500 campaign fund—Elects delegates for 'left wing' convention—Chooses Boston for 1920 convention." In this paper we find that you were elected secretary, 99 to 46. Is that correct?—A. Yes.

Q. How long did you serve as secretary?—A. Well, the whole time of the convention; I forget how long the convention lasted, but I think it was three days.

Q. Among other items in this article we find the following: Resolution No. 1 was adopted, as follows: "The Socialist Party in Massachusetts, in convention assembled, regards the general strike of the workers of Winnipeg and Toronto as one of the increasing skirmishes in the great struggle of the working class against their bru-

tal exploiters and oppressors, the capitalists, now being waged in all the countries of the world. This strike is a school of revolutionary practice for the Winnipeg workers; but it is much wider in significance as a tremendously important example to all the workers of Canada and all other countries. It gives encouragement and invaluable assistance to our comrade workers of Russia, to Communist Germany and Hungary; it provides stimulus and inspiration to the working-class struggle all over the world. The Winnipeg strike, moreover, proves that the old passive strike is dead; that it can not break the power of the capitalist, and that the strikes of the workers must become general, adopting more militant tactics against capitalism. It demonstrates, moreover, the utter bankruptcy of capitalism and shows the urgent necessity of the working class of the whole country to use the general mass strike against decayed capitalism and its state, inaugurating the government of the industrially organized workers and councils, with full control of all industries by the working class." This set of resolutions is followed by others, which are called to special attention. I will ask you if that particular resolution that I have read came under your supervision as the secretary?—A. I remember the general substance of that resolution, but I don't see anything that would lead one to take exception to the wording.

Q. Then you are not opposed to the resolution?—A. Oh, surely not. I will read from page 3 of extracts from the Communist Party as follows: "The Communist Party is the conscious expression of the class struggle of the workers against capitalism. Its aim is to direct this struggle to the conquest of political power, the overthrow of capitalism, and the destruction of the bourgeoisie state. The Communist Party prepares itself for the revolution in the measure that it develops a program of immediate action, expressing the mass struggles of the proletariat. These struggles must be inspired with revolutionary spirit and purposes. The Communist Party is fundamentally a party of action. It brings to the workers a consciousness of their oppression; of the impossibility of improving their conditions under capitalism. The Communist Party directs the workers' struggle against capitalism, developing fuller forms and purposes in this struggle, culminating in the mass action of the revolution."

Q. You are no doubt familiar with what I have read. Do you subscribe to it?—A. I do, as I understand it.

Q. I will introduce as evidence in this case, marking same "Exhibit No. 14," the C. C. C. minutes of February 11, 1919. "The meeting was called to order at 8.10 p. m.; chairman, Comrade W. T. Colyer. Moved that we indorse the left-wing manifesto. Amendment that we appoint committee of 10 to submit program to special membership meeting. Amendment passed. Fraina, Jansen, McAlpine, Maurin, Bloom, Mack, Levine, Hedrick, Brachman, Colyer elected. Fixing of date of special membership meeting laid over to next meeting. Moved to send Fraina to New York meeting next Sunday. Amendment, two delegates; carried. Fraina and Mack elected. Moved that C. C. C. engage Hansen to go to the Lawrence strike to represent us, and give credentials to Cosgrove." I call your attention to these minutes; what have you to say about them?—A. I don't want to raise any objections as I don't carry these things in detail in my mind, and therefore I don't wish to raise any objections.

Q. Have you noticed the stamp or seal on the right-hand side?—

A. Yes; that of the Socialist Party.

Q. Your wife has testified to the effect that she has typewritten for you; is that so?—A. Oh, yes; she has typewritten lots of things.

Q. I will also introduce as evidence in this case, marking same "Exhibit No. 15," the C. C. C. minutes of February 18, 1919, paragraph which reads as follows: "Committee of three—Lasman, Sidis, and Nenonen—was elected to suggest indorsements of nominations for State executive committee about to be elected. Their report was accepted and the following seven were indorsed: Chester Bixby, W. T. Colyer, Julius Cornell, Louis Henderson, Charles Jansen, Frank Mack, William Sharpshooter." Also the next paragraph: "Left-wing manifesto committee reported. Date for special membership meeting for discussion of this manifesto, at Dudley Street Opera House, to be fixed by executive committee." Were you elected at that time on the State executive committee?—A. Yes; I was elected, but owing to a provision of the constitution that not more than three members may come from any one county, I was unseated.

Q. Who were the two members who came from your county?—A. I couldn't say.

Q. I will now read from the minutes of the general membership meeting, March 30, 1919, which I will introduce as evidence in this case, marking same "Exhibit No. 16." Paragraph 2: "From W. T. Colyer, suggesting the election of a committee to take up with the new State committee the question of making the Revolutionary Age the organ of the State. Moved to accept. Amended to lay over until after the report of the Revolutionary Age board. Amendment carried." Do you remember making that suggestion?—A. I do.

Q. I will now read from "Minutes of general membership meeting, April 27, 1919." This is introduced as evidence in this case and marked "Exhibit No. 17." Among other paragraphs on the second page, appears the following: "Moved to nominate delegates at this meeting and to initiate a referendum vote. Carried. Amendment to ask the branches to vote at their branch meetings was lost. The following were nominated: Fraina, Henderson, Klaver, Maurin, Colyer, Aronoff, Jansen, Zelms, Sahlitz, Jurgis, Brey, Rihonef." Where the name "Colyer" appears, is that meant for you?—A. Yes.

Q. I will introduce as evidence in this case, marking same "Exhibit No. 18," "Minutes of meeting on May 27, 1919." I will read a paragraph on page 2, as follows: "The strike committee, left-wing committee and May Day committee were all to be asked to report at the next regular meeting. Submitted by Amy Colyer, assistant secretary pro tem." Do you know anything about that part of the record?—A. Well, I don't unless I was on one of those committees. At any rate I would not identify the left-wing committee, but I think I may have been on that committee. I wasn't on the May Day committee, and I don't think I was on the strike committee.

Q. I will introduce as evidence in this case, marking same "Exhibit No. 19," "Minutes of general membership meeting of June 29, 1919." The following appears: "Moved that a committee of three be elected to reply to the action of the N. E. C. in a statement for publication in the socialist press. Carried. Comrades Henderson, Golosov, Goldberg, and W. T. Colyer elected." Is that correct?—A. I was elected; I know that.

Q. Is it not a matter of fact that the records above the signature of Amy Colyer, assistant secretary, are found to be correct?—A. I have always found them to be so.

Q. We have been bringing out in evidence, relative to the methods of the Communist Party to attain an end, and I want to read the following and have it incorporated in the records, and will ask your opinion after you have heard it read: "It is apparent that the Communist Party does not seek to attain its objects through parliamentary machinery of this Government (meaning the Government of the United States). That is made sufficiently clear by the following extract from page 15 of the manifesto: 'Parliamentary machinery, in the general struggle of the proletariat, is of secondary importance'; and, again, on pages 9 and 10 of the same document, 'In those countries where the conditions for the workers' revolution are not yet ready, the same process will go on. The use of parliamentary, however, is one of secondary importance'; and, further, on page 10, 'Parliamentarism of the Communist Party prevails, and the proletariat must be mobilized against the capitalistic movement.'" I wish you to answer whether or not you agree with these sentiments as read to you.—A. I entirely agree with them as I understand them. However, the Communist Party, as I understand it, is entirely willing, if it can be done, to obtain their objectives by political action of an entirely different character from that of any other party. That is to say, the communist representative's business is to go, provided he gets elected, and in his vote represent the majority of the people who elected him. His duty is to assume no responsibility for anything and simply to utilize his position for the purpose of exploiting the inefficient existing method of administration to modern conditions, and if possible to assist in securing the election of a sufficient number of others who think the same as he does until they themselves can assume responsibility, in which case their first action would be to introduce such drastic amendments into practically every existing institution as to constitute a revolution. I personally think if that method can be made successful it is the best theme or method so far, and, of course, the situation to be handled properly. This method would have to be tested out if employed.

Q. I have here the record of a meeting of the directors of the proposed communist school for adults. Do you identify it [showing same to alien]?—A. Yes; I have read it, and it brings to my mind the fact that I did go to the extent of attending one meeting. I had a lot of things on my mind at the time.

Q. I have here another communication signed by yourself, dated October 19, 1919, Boston, Mass. Do you identify it?—A. Yes.

Q. Now, summing up and reviewing all the evidence, adduced by your replies to the questions, does it not show first that you are a member of the Communist Party, and secondly, that as a member of the Communist Party, that you have been very active?—A. It is true that I am a member of the Communist Party which I have not denied and I think it shows that I am and have been willing to take such responsibility as has been placed upon me by members of that organization. That has always been my duty.

Q. The warrant for your arrest as you have read it, shows that a hearing has been given you to enable you to show cause why you

should not be deported in conformity with the law. In addition to the evidence already brought out, have you anything further to say as to why you should not be deported in conformity with the law?—A. I have this remark to make; that I don't regard the description in the warrant as applying to the Communist Party.

Counsel to ALIEN:

Q. Will you read that warrant once more. Do you care about answering to those charges?—A. I simply reply that there is no organization with which I am familiar which entertains the things herein stated, for instance the belief in the overthrow by force or violence of the Government of the United States or the opposition to all forms of law. This does not apply to the Communist Party. This seems nonsense.

Q. Then you do not subscribe to such teachings?—A. Of course I don't.

Inspector LEONARD to ALIEN:

Q. In the event that it is decided that your wife and yourself should be returned to the country from whence you came, and I mention your wife in this as I have already told you that she acquiesces to your preference, have you any preference as to which place in England you shall be sent?—A. No.

Q. Do you desire to be returned to England?—A. I don't desire to be deported. It is my intention to return, whether I am deported or not.

Q. Are all your personal effects at the address in Wellesley which you have given us?—A. I don't know whether friends have removed them or not. Of course some have been stolen in transit.

Q. In case you are to be deported and returned to the country from which you came, is there any friend of yours with whom the immigration authorities might get in touch, so that all your effects may be collected and returned to you?—A. There is no objection, I take it, to our making these arrangements on our own account?

Q. None whatever. Just what would you care to do?—A. If deported, would we be allowed to carry cases of books and things of that kind? It has been stated that persons deported are allowed to take only what they carry in their hands. Is that true?

Q. No; that can be adjusted when the time comes. Have you any money in the bank? That is in the United States?—A. I am in possession of a check book. I don't know whether the old check books were taken by the Department of Justice. If they were left, presumably our friends have them.

Q. Do you want to see to the return of these things personally or do you want the immigration people to do it?—A. I don't want the immigration authorities to touch anything of mine.

Description: Height, 5 feet 10 inches; weight, 140 pounds; eyes, hazel; complexion, dark (black beard); hammer toe. Bail fixed at \$10,000.

SUMMARY AND FINDINGS.

William Thomas Colyer, 36 years old; can read and write; married; wife, Amy Colyer; United States address, No. 1 Sunset Road, Wellesley, Mass.; born in London, England; citizen or subject of

England; arrived in the United States July 27, 1915, per steamship *Carpattia*, Cunard Line, port of New York. Obtained first citizenship papers January, 1916, at Boston, Mass., but now declares it is not his intention to complete them or become a citizen of the United States.

I find that the said William Thomas Colyer is an alien, citizen or subject of England; that he was taken into custody on information and affidavits furnished by agents of the Department of Justice; that he was a member of the Independent Labor Party, or Socialists, in England and became a member of the Socialist Party almost immediately upon arrival in the United States, this party becoming the so-called "left wing," which was taken over and became a part of the Communist Party during the early part of 1919; that he admits membership and continuous activity in the Communist Party up to the time that he was taken into custody; that he is familiar with the teachings and manifesto of said Communist Party and unhesitatingly supports them; and that he has written communist propaganda. I further find that this alien comes within the purview of the act of October 16, 1918; that he is a member of, or affiliated with, an organization that advocates the overthrow by force and violence of all forms of law; that he is a member of, or affiliated with, an organization that teaches opposition to all organized Governments; that he is a member of, or affiliated with, an organization that entertains opposition to all organized Governments; therefore, after considering all the evidence in the case, I recommend that he be deported in conformity with law.

NOTE.—Alien's wife, Amy Colyer, is now in custody, under the same conditions as her husband, William Thomas Colyer. Mr. Colyer stated that his friends, if he is to be returned to England, will attend to his personal effects and he is not particular which place in England he is sent to.

MARTIN J. LEONARD,
Immigrant Inspector.

Admission of Mexican and Other Alien Laborers into Texas and Other States

HEARINGS

BEFORE

THE COMMITTEE ON IMMIGRATION AND NATURALIZATION

HOUSE OF REPRESENTATIVES

SIXTY-SIXTH CONGRESS

SECOND SESSION

MAY 13, 1920

STATEMENT OF

HON. JOHN C. BOX



WASHINGTON
GOVERNMENT PRINTING OFFICE

1920

25011
COMMITTEE ON IMMIGRATION AND NATURALIZATION.

HOUSE OF REPRESENTATIVES.

SIXTY-SIXTH CONGRESS.

ALBERT JOHNSON, Washington, *Chairman.*

ISAAC SIEGEL, New York.

HAROLD KNUTSON, Minnesota.

ROSCOE C. McCULLOCH, Ohio.

J. WILL TAYLOR, Tennessee.

JOHN C. KLECZKA, Wisconsin.

WILLIAM N. VAILE, Colorado.

HAYES B. WHITE, Kansas.

KING SWOPE, Kentucky.

ADOLPH J. SABATH, Illinois.

JOHN E. RAKER, California.

RILEY J. WILSON, Louisiana.

BENJAMIN F. WELTY, Ohio.

JOHN C. BOX, Texas.

L. B. RAINEY, Alabama.

P. F. SNYDER, *Clerk.*

ADMISSION OF MEXICAN AND OTHER ALIEN LABORERS INTO TEXAS AND OTHER STATES.

COMMITTEE ON IMMIGRATION AND NATURALIZATION,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Thursday, May 13, 1920.

The committee assembled at 3 o'clock p. m., Hon. Albert Johnson (chairman) presiding.

The CHAIRMAN. Our colleague on the committee, Representative Box, desires to present a statement concerning the bringing of Mexicans into Texas and elsewhere, concerning which we held extensive hearings during the latter part of January and the early part of February, and again during April, when Secretary Morrison, of the American Federation of Labor, appeared. Mr. Box, you may proceed.

STATEMENT OF HON. JOHN C. BOX, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS.

Mr. Box. Mr. Chairman and gentlemen of the committee, as is well known by every member of this committee, by all the Members of the House who have kept up with the business, including every Member of Congress from Texas, and by the Bureau of Immigration here, I have since I became a Member of Congress and of this committee actively opposed the admission into Texas and other States of Mexicans and other undesirable aliens. I want the facts about this business, including my own attitude, known to Congress and the people. To that end I submit to this committee for its record and for the information of the public the following:

STATEMENT OF THE FACTS.

These Mexicans have been admitted by orders of the Commissioner General of Immigration and the Secretary of Labor. Congress has taken no action authorizing their admission since I have been a Member, but the Committee on Immigration and Naturalization, of which I am a member, partly at least as a result of my opposition to it, recently refused to approve their admission.

The Secretary of Labor claims warrant for admitting them in the law which was enacted February 5, 1917—more than two years before my predecessor went out of office. In his first order on the subject, made May 23, 1917, the Secretary of Labor recites the following:

The ninth proviso to section 3 of the immigration act of February 5, 1917, reads: "Provided further, That the Commissioner General of Immigration with

the approval of the Secretary of Labor shall issue rules and prescribe conditions, including exaction of such bonds as may be necessary, to control and regulate the admission and return of otherwise inadmissible aliens applying for temporary admission." (See p. 360 of committee hearings on this subject.)

No change has been made in the law since then. The first order admitting them was made May 23, 1917—two years before I came to Washington, which was May 19, 1919, to attend my first session of Congress. This order was continued and enlarged by other orders, shown on pages 360 to 373 of the hearings on the subject, made April 12, 1918; May 10, 1918; June 12, 1918; July 10, 1918; October 7, 1918; January 2 and 23, 1919; February 9, 1919—all of which was before the term of my predecessor expired on March 4, 1919. Their admission was continued after the armistice November 11, 1918, during the entire time my predecessor remained in office, which was until March 4, 1919.

Early in my first session I refused to introduce a resolution authorizing their admission in peace time. Afterwards I attended a meeting in the office of the Secretary of Labor, when a crowd of citizens, Congressmen, Senators, and officials, including the Commissioner General of Immigration and the Secretary of Labor, were discussing whether they would at once end the practice which had then been going on for two years during my predecessor's term or permit alien Mexicans to stay on the farms near the Rio Grande until the crops then started were finished and gathered. I had nothing to do with arranging for the meeting, but learned of it and went there alone, and took no part in it except as a spectator and an observer of what had been and was going on. I made no objection to these orders made and continued for several months after the armistice during my predecessor's service, so long as they appeared to be reasonable temporary emergency orders arising out of war conditions, nor did I hear of his having made any, but I did not approve the further admission of Mexicans, as was well known by the Commissioner General of Immigration, as shown by his letter, as follows:

UNITED STATES DEPARTMENT OF LABOR.

BUREAU OF IMMIGRATION,

Washington, April 27, 1920.

Hon. JOHN C. BOX, M. C.,

House of Representatives,

Washington, D. C.

MY DEAR MR. BOX: Permit me to acknowledge the receipt of your letter of the 24th instant, having reference to the matter of the temporary and conditional admission, for employment in agricultural pursuits, of laborers from Mexico, and to state, by way of response, that it is a matter of very clear recollection with me that you have always, in my presence when the matter was discussed, expressed yourself as strongly opposed to the admission of such laborers under the circumstances, particularly since you were of the opinion that the immigration law does not authorize the Department of Labor to set aside certain provisions (notably the illiteracy, contract labor, and head tax) in behalf of any alien, or class of aliens. It is also my recollection that you have made public announcement of your views in this respect, and that these views, as I read them, indicated that you were unalterably opposed to the temporary and conditional admission of laborers from Mexico under the circumstances related.

Very truly, yours,

A. CAMINETTI,

Commissioner General.

I opposed it in the committee, as shown by letter from the chairman, as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON IMMIGRATION AND NATURALIZATION,
Washington, D. C., April 30, 1920.

HON. JOHN C. BOX,
House of Representatives.

MY DEAR COLLEAGUE: It has been my intention for some time to write to you a letter stating my personal appreciation of your constant attendance on the lengthy hearings of the House Committee on Immigration and Naturalization and to state also my great satisfaction that you are a member of that committee. In all the discussions your views have expressed the highest American ideals and I hope that you may remain long in Congress and continue on this committee.

I particularly want to congratulate you upon the high and patriotic stand taken by you in opposition to the admission of Mexicans into Texas and other States through the issuance of orders in the Department of Labor exempting those Mexicans from the head tax, literacy tests, and contract labor laws. I greatly admire the stand taken by you and realize that your stand might be regarded as not for the best interest of certain portions of Texas, but, in my opinion, your stand is clearly for the best interest of the United States, and I am satisfied that the near future will so demonstrate. Your statement on page 299 of the hearings is a splendid portrayal of the exact situation. If you care to have pamphlets for circulation covering your statement, I shall be only too glad to issue an order for the publication of such pamphlet, the same, of course, to be paid for by yourself. However, in my opinion, your patriotic stand against this violation, or, at least, evasion, of our present immigration laws must be so well known to the people of Texas that you need to circulate no printed copies of your statement with regard to the matter.

With personal regards, I am,
Yours, cordially,

ALBERT JOHNSON, *Chairman.*

In opposing it on the floor of the House, on October 15, 1919, during my first session, I said:

Mr. Chairman and gentlemen, I think we have had a very emphatic expression of the attitude of the House as to the admission of aliens who are not and can not become Americans. I think that rule should apply as against every interest. I think that when the farmers of Texas want illiterate Mexicans admitted across the border that they ought to be denied that right. [Applause.] I think that when the Japanese come across the Pacific and try to root out Americans in California that they ought to be denied that privilege. [Applause.] I think that when foreigners come to take the place of men in the factories of the North and East who have borne the brunt of battle in Europe and when they return find their places occupied by others, I think that they ought to be denied that privilege. [Applause.]

I have the honor of being a member of the Committee on Immigration, but when we prepare and have for consideration a bill restricting immigration, I want to support that kind of a measure which applies to me and my section as well as it does to the other fellow and his section. [Applause.] (Cong. Rec., Oct. 15, 1919, p. 7399.)

For report of my oral argument before the committee against their admission, mentioned in Chairman Johnson's letter, see pages 299 to 320 of hearings on the subject.

Because of my active opposition to the admission of these Mexicans and others like them, Representative Hudspeth, of El Paso, who was making a fight for their admission, said that I should not have been present at the meeting mentioned above. I was no more responsible for what was said and done at that meeting under the circumstances than I am for all that is said and done in Congress when I am attending its meetings.

I have been repeatedly urged by a few people within my district to favor their admission and severely criticized by some from without the district because of my continued opposition to it. Below I quote from some of the letters and telegrams which I have received on the subject.

On October 17, 1919, the Texas Cotton Seed Crushers' Association wrote me from Dallas a letter, beginning with the following paragraph:

In to-day's Dallas News I note a discussion in regard to keeping out undesirable aliens between yourself and Representative Hudspeth, in which I note that you are favorably disposed toward keeping all aliens and Mexicans out of Texas.

They then proceeded to argue further, and said:

To force the Mexicans that are here now to return to Mexico and to prohibit others from coming would certainly work a hardship on the people of Texas.

In November, 1919, I received from a commercial organization in the district, which had written me asking that I support the admission of Mexicans, a letter containing the following:

MY DEAR MR. BOX. Permit me to thank you for your letter of the 20th, with full explanation of your stand on the Hudspeth amendment to the immigration bill.

Your objections are well stated and well founded, and can not be successfully met unless some way is provided to keep an exact check on the Mexicans about to enter the United States for special purposes.

In February, 1920, I received from a gentleman, who thought the Mexicans ought to be admitted, a letter containing the following:

The matter of your opposing Mr. Hudspeth's bill with reference to keeping Mexican labor in Texas has just been brought to my attention, and I am quite surprised that you would oppose a measure of this kind.

On February 20, 1920, I received from Galveston, Tex., a communication containing the following:

The Dock and Marine Council of Galveston, Tex., composed of delegates from all longshore organizations of Galveston, representing approximately 6,000 water-front workers, desires to convey to you its hearty approval of the position you took on the question of admitting cheap, ignorant, and illiterate labor from Mexico without complying with the requirements of the immigration laws of the United States, and to assure you that we unanimously concur in the sentiments expressed by you in the consideration of his question. (Signed by the secretary.)

February 2, 1920, I received from a prominent business man in Houston, a telegram containing the following:

In your opposition to Congressman Hudspeth's bill in reference to Mexican labor, I respect your personal views, but desire to call your attention to the fact that unskilled labor is scarce in all of Texas.

November 8, 1919, I received from the San Antonio Chamber of Commerce a letter, opening as follows:

We are informed that you are opposing Hudspeth's amendment to the immigration bill. As we understand it this amendment is to permit agricultural laborers under proper conditions to be admitted to the United States.

In March, 1920, I received from a gentleman living in the Rio Grande country, a letter containing the following:

Every one of these will vote the antiadministration, anti-American, anti-Prohibition, Joe Bailey ticket, which is against everything, including the Democratic Party—except the liquor interests. * * * I am informed that you are

opposed to letting down the bars to these cattle. If I can be of service to you at any time, please command me.

I have a great many such communications, any of which I will be glad to submit to the committee or show to any member or citizen who wants to know the facts.

My answer to all of them contained among other things substantially the following:

I could not have supported such a policy without consciously having made myself guilty of that which I believe would have been disastrous to the country.

In addition to those admitted under orders of the Commissioner General of Immigration and the Secretary of Labor, a great many thousands of Mexicans have been smuggled into this country. One witness, Mr. Fred Roberts, of Corpus Christi, testified before our committee that there had been at least 200,000 smuggled into the country by swimming the river at night and other clandestine methods. (See his testimony before the committee, pp. 49 and 50 of the hearings.)

In order to stop their being smuggled across, I helped to prepare and get favorably reported by the committee a bill to better guard the border, but the Republican steering committee did not permit the measure to get before the House.

The foregoing, which is by no means all of the record matter I have, will show anyone who wishes to know the facts, when these people were admitted, how it was done, and how I stood on the question.

The law of 1917 should be amended so as to leave no excuse for the admission of these and others like them. I shall continue to oppose their admission by every possible legitimate means. I hope this committee will at an early date take action toward so amending the law of 1917 as to stop the incoming of this throng of undesirables.

MODIFIED PERCENTAGE PLAN FOR RESTRICTION OF IMMIGRATION

HEARINGS

BEFORE

THE COMMITTEE ON IMMIGRATION AND NATURALIZATION

HOUSE OF REPRESENTATIVES

SIXTY-SIXTH CONGRESS

SECOND SESSION

MAY 22, 1920

STATEMENT OF SIDNEY L. GULICK



WASHINGTON
GOVERNMENT PRINTING OFFICE

1920

COMMITTEE ON IMMIGRATION AND NATURALIZATION.

HOUSE OF REPRESENTATIVES.

SIXTY-SIXTH CONGRESS.

ALBERT JOHNSON, Washington, *Chairman.*

ISAAC SIEGEL, New York.

HAROLD KNUTSON, Minnesota.

ROSCOE C. McCULLOCH, Ohio.

J. WILL TAYLOR, Tennessee.

JOHN C. KLECZKA, Wisconsin.

WILLIAM N. VAILE, Colorado.

HAYS B. WHITE, Kansas.

KING SWOPE, Kentucky.

ADOLPH J. SABATH, Illinois.

JOHN E. RAKER, California.

RILEY J. WILSON, Louisiana.

BENJAMIN F. WELTY, Ohio.

JOHN C. BOX, Texas.

L. B. RAINEY, Alabama.

P. F. SNYDER, *Clerk.*

MODIFIED PERCENTAGE PLAN FOR RESTRICTION OF IMMIGRATION.

COMMITTEE ON IMMIGRATION AND NATURALIZATION,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Saturday, May 22, 1920.

The committee this day met, Hon. Albert Johnson (chairman) presiding.

The CHAIRMAN. Dr. Gulick is present with a revised form of the bill which he presented to the committee several months ago, and desires to be heard. We will be glad to hear you now, Doctor.

STATEMENT OF DR. SIDNEY L. GULICK, SECRETARY OF THE NATIONAL COMMITTEE FOR CONSTRUCTIVE IMMIGRATION LEGISLATION, NEW YORK, N. Y.

Mr. GULICK. Mr. Chairman, I appreciate very much the courtesy which you are extending to me to give me an opportunity to present the revised form of our bill.

Since the hearing you gave us last June we have been studying the question of immigration from many different standpoints and we have received many criticisms and also many suggestions. In the light of the entire situation we have recast our plan in a large number of details, though adhering to the same fundamental principles. Senator Sterling and Congressman Welty have given us important aid in drafting our bill, which will soon be introduced in both Houses.

The proposed bill is as follows:

A BILL To amend the acts of February 5, 1917; June 29, 1906; February 18, 1875; and May 6, 1882, creating an immigration board; providing for the regulation of immigration; raising the standards of naturalization; extending its privileges to all who qualify, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the act of February 5, 1917, regulating immigration of aliens to and residence of aliens in the United States is amended by adding at the end thereof the following:

The word "immigrant" includes any alien entering the United States not a "transient."

The word "transient" shall be construed to include aliens of the "status or occupations" specified in section 1, B, (3) who enters the United States for limited periods.

The word "board" means the immigration board created by this act.

The term "ethnic group" shall in each case be construed by the commission as provided for in section 1, A, (2).

SEC. 1, A. An immigration board: (1) That an immigration board is hereby created consisting ex officio of the Secretaries of State, Labor, Commerce, Agriculture, and Interior, and a sixth member appointed by the President and confirmed by the Senate who shall hold his office for a term of four years or until his successor is appointed and qualified. The presidential appointee shall be chairman of the board and shall receive, when engaged on official duty, \$40 per diem, with actual expenses of travel, and \$6 per day in lieu of subsistence when absent from home on official duty. The chairman of the board shall have power to employ a permanent secretary at a salary of \$5,000 per annum, and such other employees as the board may authorize, and to prescribe the salary of each.

(2) The board shall in each case define and interpret the term "ethnic group," taking into consideration questions of race, mother-tongue affiliation, nationality, and such other relationships as tend to constitute group unity.

(3) The board shall, as soon as practicable, institute a comprehensive inquiry into policies and methods of distribution of immigration, shall publish the results of the investigation in full, not later than two years from the beginning of the inquiry, and shall carry on all further work necessary to bring the approved results of the investigation effectively before the public.

(4) The board shall make such rules and regulations regarding the admission of immigrants as shall enable it fully to enforce the provisions of the immigration laws; and also the necessary rules and regulations in regard to passports, certificates, and declarations required by this act, including such matters as certificates of official status, court records, receipt of charity funds or other facts deemed necessary by the board.

(5) The board shall invite the secretaries of each of the States to report in January of each year in regard to—

(a) The amount of unemployment prevailing in the State the previous year as shown by the best available statistics of employment bureaus and other reliable evidence;

(b) The kinds of industries and occupations in which shortage of labor existed in said year; and

(c) The kind of immigration especially desired in that State, if authorized thereto by vote of the State legislature.

(6) The chairman of the board shall in February of each year present to the board a printed report showing—

(a) The number of alien immigrants of any given ethnic group admitted to continental United States during the next preceding fiscal year, and, so far as the figures are available, the total number so admitted of each such group in each year since 1900;

(b) The number originally belonging to such ethnic group who have been naturalized and were residing in continental United States as shown by the last available United States census;

(c) The number of American-born children whose foreign-born father or mother belong to any such ethnic group, and which children are residing in continental United States as shown by the last available United States census;

(d) The amount of unemployment and also of labor shortage during the preceding year, as reported by the secretaries of the different States; and

(e) The officially expressed desire of each State for specified kinds of immigration.

(7) The chairman of the board shall, upon complaint of any citizen or association, investigate the management of immigration stations at ports of entry. The Secretary of Labor shall, upon the report of the chairman of the board, take steps to correct any abuses or neglect of duty.

(8) The chairman of the board shall prepare a brief and simple statement of the rights and duties of aliens residing in the United States, which shall be printed both in English and in the various languages of aliens entering the United States, a copy of which statement in his language shall be given to each alien over sixteen years of age at the time of making the pledge of obedience as provided in section 1, D, (1).

(9) The chairman of the board shall prepare or have prepared a textbook on "American citizenship" for the use of aliens seeking to qualify themselves for naturalization. It shall be simple in style, attractive in form, shall not exceed forty thousand words, and shall contain what every alien desiring to become a citizen shall be required to know concerning the history of the American people; the principles, ideals, and methods of the Government of the United States; the rights and duties of citizens and the principles and requirements of personal and public hygiene. This textbook, when authorized by the board, shall serve as the basis upon which the courts granting papers of naturalization shall judge of the intellectual qualifications of applicants for citizenship.

SEC. 1 B. Admission of transients: (1) That aliens entering the United States as transients, excepting accredited representatives and officials of foreign Governments, shall present proper passports stating among other things the purpose of the visit and the expected length of that visit, not to exceed three years. The passports of students may specify six years as the period. Aliens possessing such passports who desire to extend the period of residence in the United States may secure permission for such extension from the Commissioner General of Immigration. The regulations providing for such extension shall be prepared by the board.

(2) Any alien entering as a transient who remains in the United States beyond the period specified in his passport without securing from the Commissioner General of

Immigration permission for the extension of the period of his visit, shall be taken into custody and deported according to the provisions of sections 19, 20, and 21 of the act of February 5, 1917.

(3) Aliens permitted to enter the United States as transients must be persons of the following status or occupations:

Government officers, ministers or religious teachers, missionaries, lawyers, physicians, chemists, civil engineers, teachers or other professional persons, students provided with their own funds or guaranteed support by their own Governments or by institutions or friends in the United States, authors, artists, merchants, and travelers for curiosity, health, or pleasure, their legal wives or their children under sixteen years of age, or their personal and domestic servants, who shall accompany them or who subsequently may apply for admission to the United States; but such persons with their legal wives and foreign-born children and servants who fail to maintain in the United States the specified status or occupation shall be deemed to be in the United States contrary to law, and shall be subject to deportation as provided in sections 19, 20, and 21 of the act of February 5, 1917.

(4) Alien students who are admitted as transients shall not be regarded as having lost that status by reason of having secured temporarily some gainful occupation, on condition that they maintain regular attendance in a high school, college, or university, the nature of the schools to be specifically defined and the requisite regulations to be prescribed by the board.

SEC. 1 C. The admission of immigrants: (1) That in April of each year the board shall determine the maximum number of aliens of each ethnic group to be admitted as immigrants to the United States during the fiscal year next following. Such determination shall be based on the report of the chairman of the board provided for in section 1 A (6) and shall have regard to: (a) The demonstrated assimilability of each ethnic group; (b) the maintenance of American standards of living and wages; (c) the amount of unemployment and of labor shortage in the United States; (d) the general labor and economic conditions in the different parts of the United States, whether among industrial, agricultural, domestic, or other workers; and (e) the adaptability of each particular group to fulfill the requirements and to meet the needs.

(2) The board shall in no case set the number of admissible immigrants from any single ethnic group above 10 per centum of a basic figure composed of those of that group in the United States who were (a) American-born citizens whose foreign-born father or mother belong to such ethnic group and which children were residing in continental United States as shown by the last available United States census; and (b) naturalized citizens who were residing in continental United States as shown by the last available census.

(3) An alien of any given ethnic group returning from a visit abroad, who, before leaving for such visit, had declared his intention of becoming a citizen of the United States, shall be readmitted to the United States without reference to the amount of permissible immigration of said ethnic group as determined by the board.

(4) The Commissioner General of Immigration shall promptly send to the American consuls and also the transportation agencies in American ports which commonly bring aliens to the United States, the determination of the board as to the maximum permissible immigration for the various ethnic groups for the ensuing fiscal year, and shall make suitable arrangements for their publication both in American and foreign ports. He shall also publish a monthly statement throughout the ensuing fiscal year showing the maximum number, as established by such determination by the board, of aliens of each ethnic group who may be so admitted to the United States during the current fiscal year, together with the number of aliens of each such ethnic group already so admitted during that year, and shall send such reports promptly to the American consuls in all ports from which aliens commonly sail for the United States. When 75 per centum of such maximum number of aliens of any ethnic group have been so admitted for the current fiscal year, a similar statement with respect to the aliens of such ethnic group shall be issued weekly thereafter.

(5) In case of the arrival of immigrants of any given group at a port of entry after the permissible number of immigrants of such group has been admitted, they shall be refused admission, but the father or grandfather, over fifty-five years of age, the wife, mother, grandmother, unmarried or widowed daughter, or son not over sixteen years of age, sent for by any member of such group, lawfully a resident in the United States, shall nevertheless be admitted. Such admissions shall be made the first charge on the permissible immigration of such ethnic group for the year next following.

(6) The board may increase at any time the maximum immigration permitted to any given ethnic group, but a notice of not less than three months must be given of a

proposed decrease to be enforced during any current fiscal year, and shall make such regulations as may be deemed necessary to prevent congestion of immigration at any period of the fiscal year, to avoid inconvenience to the transportation companies, and to avoid hardships to the immigrants, because of the provisions of this act.

(7) Transportation agencies bringing alien immigrants who arrive after the permissible immigration of such aliens has been exhausted, shall carry such aliens back to the port of debarkation free of charge. The Secretary of Labor shall prepare and authorize the rules, regulations, and penalties for the enforcement of this provision.

(8) The Secretary of Labor shall be the final judge as to the facts in the application of this act in all cases of doubt affecting the admission of individual immigrants.

SEC. 1 D. *Pledge of obedience:* (1) That every adult alien entering the United States, excepting accredited officials of foreign Governments, shall be required to file with the immigration officials at the port of entry a sworn statement, printed both in English and in the language of the alien, pledging obedience to the laws of the United States and of the States in which he may reside. The form of such statement shall be prescribed by the chairman of the board.

(2) Every adult alien, except transients, upon admittance to the United States, shall in such pledge or agreement declare the intention of learning the English language and of becoming acquainted with the methods of this Government and with the ideals and institutions of this country. A duplicate of this pledge shall be given to the declarant.

(3) Such pledge or agreement shall be printed upon the back of the transportation ticket issued to every alien immigrant, and a penalty of \$100 shall be incurred by and collected from any transportation company or individual engaged in the business of transporting aliens to or within the United States which shall violate this regulation after actual notice thereof from the Commissioner General of Immigration.

SEC. 2. That the first paragraph of section 3 of the act of February 5, 1917, is amended to read as follows:

"SEC. 3. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons; persons who have had one or more attacks of insanity at any time previously; persons of constitutional psychopathic inferiority; persons with chronic alcoholism; paupers; professional beggars; professional or habitual gamblers; vagrants; persons afflicted with tuberculosis in any form or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who practice polygamy or believe in or advocate the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials, or who advocate or teach the unlawful destruction of property; persons who are members of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocate or teach the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or who advocate or teach the unlawful destruction of property; prostitutes, or persons coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who directly or indirectly procure or attempt to procure or import prostitutes or persons for the purpose of prostitution or for any other immoral purpose; persons who are supported by or receive, in whole or in part, the proceeds of prostitution; persons hereinafter called contract laborers, who have been induced, assisted, encouraged, or solicited to migrate to this country by offers or promises of employment, whether such offers or promises are true or false, or in consequence of agreements, oral, written, or printed, expressed or implied, to perform labor in this country of any kind, skilled or unskilled; persons who have come in consequence of advertisements for laborers printed, published, or distributed in a foreign country; persons likely to become a public charge; persons who have been deported under any of the provisions of this act, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a foreign port or their attempt to be admitted from foreign contiguous territory the Secretary of Labor shall have consented to their reapplying for admission; persons whose tickets or passage is paid for with the money of another, or who are assisted

by others to come, unless it is affirmatively and satisfactorily shown that such persons do not belong to one of the foregoing excluded classes; persons whose ticket or passage is paid for by any corporation, association, society, municipality, or foreign government, either directly or indirectly; stowaways, except that any such stowaway, if otherwise admissible, may be admitted in the discretion of the Secretary of Labor; all children under sixteen years of age, unaccompanied by or not coming to one or both of their parents, except that any such children may, in the discretion of the Secretary of Labor, be admitted if in his opinion they are not likely to become a public charge and are otherwise eligible."

SEC. 3. That section 9 of the act of February 5, 1917, be amended to read as follows:

"SEC. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel, to bring to the United States either from a foreign country or any insular possession of the United States any alien afflicted with idiocy, insanity, imbecility, feeble-mindedness, epilepsy, constitutional psychopathic inferiority, chronic alcoholism, tuberculosis in any form, or a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation, and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$200, and, in addition, a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival for each and every violation of the provisions of this section, such latter sum to be delivered by the collector of customs to the alien on whose account assessed. It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any mental defect other than those above specifically named or physical defect of a nature which may affect his ability to earn a living, as contemplated in section 3 of this act, and if it shall appear to the satisfaction of the Secretary of Labor that any alien so brought to the United States was so afflicted at the time of foreign embarkation, and that the existence of such mental or physical defect might have been detected by means of a competent medical examination at such time, such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$25, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, for each and every violation of this provision, such latter sum to be delivered by the collector of customs to the alien for whose account assessed. It shall also be unlawful for any such person to bring to any port of the United States any alien who is excluded by the provisions of section 3 of this act because unable to read, and if it shall appear to the satisfaction of the Secretary of Labor that these disabilities might have been detected by the exercise of reasonable precaution prior to the departure of such aliens from a foreign port, such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$200, and, in addition, a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, for each and every violation of this provision, such latter sum to be delivered by the collector of customs to the alien on whose account assessed. And no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fines, or while the fines remain unpaid, nor shall such fines be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fines: *Provided further*, That nothing contained in this section shall be construed to subject transportation companies to a fine for bringing to ports of the United States aliens who are by any of the provisos or exceptions to section 3 hereof exempted from the excluding provisions of said section."

SEC. 4. That the fourth proviso in the third paragraph of section 3 of the act of February 5, 1917, is amended to read as follows:

"*Provided further*, That skilled or domestic labor, if otherwise admissible, may be imported if labor of like kind unemployed can not be found in this country, and the question of the necessity of importing such skilled or domestic labor in any particular instance may be determined by the Secretary of Labor upon the application of any person interested, such applications to be made before such importation, and such determination by the Secretary of Labor to be reached after a full hearing and an investigation into the facts of the case: *Provided further*, That as to domestic labor,

that the board shall prescribe the conditions and safeguards under which such importation may be had: *Provided further*, That if imported aliens of any given ethnic group arrive after the permissible number of immigrants from such ethnic group has already been admitted, they shall nevertheless be admitted, but such admissions shall be charged against the permissible immigration of said ethnic group for the following year."

SEC. 5. That section 19 of the act of February 5, 1917, is amended by adding in the eighteenth line after the words "at any time after entry" the following words:

"Any alien who shall be found to be a professional or a habitual gambler, any alien who shall be found to own, rent, or lease premises, used as a place of gambling, and any alien employed in any capacity in connection with a place of gambling."

SEC. 6. That the first five lines of section 29 of the act of February 5, 1917, are amended to read as follows:

"SEC. 29. That the President of the United States is authorized, in the name of the Government of the United States, to call an international conference, to assemble not later than the year 1922, and, in his discretion, not oftener than decennially thereafter, at such point as may be agreed upon, or to send special commissioners to any foreign country, for the purpose of regulating by international agreement."

SEC. 7. That the fourth paragraph of section 4 of the act of June 29, 1906, entitled "An act to establish a bureau of immigration and naturalization and to provide a uniform rule for the naturalization of aliens throughout the United States," is amended so as to read as follows:

"Fourth. It shall be made to appear to the satisfaction of the court admitting any alien to citizenship that immediately preceding the date of his application he has resided continuously within the United States five years at least, and within the State or Territory where such court is at the time held one year at least, and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same. It shall also be made to appear to the satisfaction of the court that said alien is able to speak the English language as specified in section 8 of the act of June 29, 1906, is able to read and understand the textbook on citizenship authorized by the immigration board, as provided for in section 1, A (9), of this act, and accepts the ideals and principles therein presented. In the case, however, of aliens who show themselves qualified in all other respects and who on entering the United States were already thirty-five years of age or over, or who during their residence in the United States did not live in places providing aliens with facilities for acquiring the English language, the requirement of ability to read the English language may be waived at the discretion of the court. In addition to the oath of the applicant, the testimony of at least two witnesses, citizens of the United States, as to the facts of residence, moral character, and attachment to the principles of the Constitution shall be required, and the name, place of residence, and occupation of each witness shall be set forth in the record."

SEC. 8. That the act of February 18, 1875, amending the act of July 14, 1870, is amended to read as follows: "The privilege of citizenship by naturalization is open to every alien who fulfills all the intellectual, moral, and technical requirements of the law."

SEC. 9. That this act shall take effect and be enforced on and after its passage. All prior acts, or parts of acts inconsistent with any provision of this act, or with any treaty obligations of the United States of America, are hereby repealed on and after the taking effect of this act.

Permit me to call the attention of the committee to the significant features of the bill and to comment briefly on some of the points.

The fundamental principle embodied in the bill is the proposal to regulate all immigration. We advocate neither complete stoppage of immigration nor the continuance of unrestricted immigration. We urge its regulation.

The amount of immigration to be permitted from any given people should, in our opinion, depend on their demonstrated assimilability to our people and institutions; their influence on the maintenance of American standards of living and wages; and their adaptability to and availability for our industrial agricultural, domestic, and other labor needs. America should admit from each people only so many as can be wholesomely assimilated and steadily employed.

The careful study of these questions and the decision as to the maximum amount of immigration which may wisely be permitted to each people, the bill proposes to place in the hands of an immigration board. This board, we suggest, may well consist of the Secretaries of State, Labor, Commerce, Interior, and Agriculture, and one other member appointed by the President and confirmed by the Senate. Our thought is that this sixth member should be a man of large experience, capacity, and caliber. He should be and should be fitted to be the chairman of the board. To secure such a man it will probably be necessary to require of him only part time service, thus not making it necessary for him to give up every other interest for the four-year period of his service. With this in view, the bill proposes an adequate per diem remuneration. We suggest \$40 per day. A competent permanent secretary of the board at a salary of \$5,000 is also provided to carry on the routine work under the direction of the chairman.

The chairman of the board is to prepare an annual report embodying statements secured from the secretaries of the several States of the Union, showing the amounts of unemployment, of shortage of labor, and of immigration desired and of also disclosing the facts as to the assimilation of aliens of the different peoples as shown by the census reports in regard to American-born children and the number of naturalized citizens of each people.

The decision by the board as to maximum permissible immigration for each people shall be based on this report. Each people shall be considered separately—but in no case is the permissible immigration for any given people to exceed 10 per cent of the basic figure composed of two factors: First, the American-born children, and second, the naturalized American citizens of that people. At the discretion of the board in the light of the facts, immigration from specified peoples may be completely suspended. Such suspension, of course, deals only with immigrants as distinguished from transients.

The bill proposes also to raise the standards of naturalization by requiring of all candidates ability to read a textbook on American citizenship to be prepared and authorized by the board. This textbook should be simple, attractive, and not to exceed 40,000 words. It should contain all that a candidate should be required to know as to the history of the American people, the principles, ideals, and methods of our Government, and the rights and duties of citizens. This textbook according to our bill is to be the standard to be used by all the courts in granting naturalization.

At the discretion of the court the requirement of ability to read English may be waived if the candidate is otherwise well qualified, provided he came to America after the age of 35 or if it is shown that he has resided in America in places that did not furnish facilities for the study of English.

The bill proposes to give citizenship to all who qualify regardless of race.

The bill repeals such laws as are in conflict with these provisions and also those that contravene treaty obligations.

The advantages of this method of dealing with immigration are many and real. The total volume of immigration can be steadily adjusted to our changing economic and industrial conditions, ad-

mitting as many as, but no more than, we really need and can properly care for. We avoid danger to our processes of assimilation. We maintain American standards of life, work, and wages; raise the grade of our new citizenship; and deal fairly and equitably with every people, even though we may apply different percentage rates to different peoples. The enactment of this law will make it practicable to remove all special laws dealing with Chinese, which laws are confessedly in contravention of our treaties.

How large an immigration could be admitted if this bill were to become a law? This is a question to which we have given considerable attention. Since the United States census of 1920 is not yet available an exact reply is impossible. A fairly approximate answer can, however, be made. This is best given in the accompanying tables. Let me explain how they are secured.

We begin with the figures of the census of 1910. By adding together the American-born children and the naturalized American citizens of each people we secure the "base." We then estimate that the increase of American-born children and of naturalized citizens for the past decade, as shown in the census of 1920, will be 20 per cent in the case of the peoples of north and west Europe and 40 per cent in the case of the other European peoples. Applying these percentage rates we secure the "base" for 1920. The maximum permissible immigration for each people, as proposed by the bill, is 10 per cent of this "base." This is shown in the final column of Table I.

Should the immigration board decide to grant the full rate to each people the permissible immigration from north and west Europe would be 1,822,000, while that from the south and east Europe would be 486,000.

In the case of the Chinese, Japanese, and Hindus we have no figures from which to make an estimate that would be of any particular value. In any case the permissible immigration at the largest would small. Since, however, the percentage rate is not mandatory but permissive, the board would exercise its judgment in the matter.

In order that the maximum permissible immigration for each people may be compared with the actual immigration of that people since 1900, two additional tables are appended.

Such, Mr. Chairman, are the main features of our bill. They will no doubt receive careful and, I hope, favorable consideration from your committee.

May I have permission to print these tables, which I will not read but will submit?

THE CHAIRMAN. These tables have been revised and corrected and differ from the tables in the last printed hearings?

MR. GULICK. Yes; as I have already explained while you were out. I have shown how they were derived.

(The tables referred to are as follows:)

TABLE I.—*Maximum permissible annual immigration for the decade 1921-1930.*

Country of origin.	Census 1910.			Census 1920 (estimated).	
	American-born (a).	Naturalized (b).	Base (a) + (b).	Base (a) + (b).	Permissible immigration 10 per cent.
North and west Europe:					
United Kingdom.....	5,163,289	770,094	5,933,383	7,120,059	712,005
Germany.....	5,781,437	889,007	6,670,444	8,004,532	800,453
Norway.....	575,241	121,651	696,892	836,270	83,627
Sweden.....	699,032	219,057	918,089	1,101,706	110,170
Denmark.....	218,443	63,068	281,511	337,813	33,781
Holland.....	173,521	39,922	207,443	248,931	24,893
Belgium, etc.....	43,744	11,869	55,613	66,735	6,673
France.....	175,153	29,613	204,766	245,719	24,571
Switzerland.....	176,816	42,760	219,576	263,491	26,349
Total.....			15,187,717	18,225,256	1,822,525
South and east Europe:					
Portugal.....	53,499	7,141	60,640	84,896	8,489
Spain.....	11,157	2,318	13,475	18,865	1,886
Italy.....	755,290	126,523	881,813	1,234,538	123,453
Russia.....	938,897	192,264	1,131,161	1,583,625	158,362
Finland.....	81,357	21,669	103,026	144,236	14,423
Austria.....	826,635	149,914	976,549	1,367,168	136,716
Hungary.....	204,627	36,610	241,237	337,731	33,716
Roumania.....	21,801	8,014	29,815	41,741	4,174
Bulgaria, etc.....	1,234	821	2,055	2,877	287
Greece.....	8,401	4,946	13,347	18,685	1,868
Turkey in Europe.....	3,093	1,474	4,567	6,393	639
Turkey in Asia.....	18,929	6,940	25,869	36,216	3,621
Total.....			3,483,554	4,876,971	487,697

TABLE II.—*Immigration into the United States from selected countries (not including transients).*

Year.	United Kingdom.	Germany.	Scandinavia.	Holland.	Belgium.	France.	Switzerland.
1900.....	48,237	18,507	31,151	1,735	1,196	1,739	1,152
1901.....	45,546	21,651	39,234	2,349	1,579	3,150	2,201
1902.....	46,036	28,304	54,038	2,284	2,577	3,117	2,344
1903.....	68,947	40,086	77,647	3,998	3,450	5,578	3,933
1904.....	87,590	46,380	60,096	4,916	3,976	9,406	5,023
1905.....	137,134	40,574	60,625	4,954	5,302	10,168	4,269
1906.....	102,193	37,564	52,781	4,946	5,099	9,386	3,846
1907.....	113,567	37,807	49,965	6,637	6,396	9,731	3,748
1908.....	93,380	32,309	30,175	5,946	4,162	8,788	3,281
1909.....	71,826	25,540	32,496	4,698	3,692	6,672	2,694
1910.....	98,796	31,283	48,267	7,534	5,402	7,383	3,533
1911.....	102,496	32,061	42,285	8,358	5,711	8,022	3,458
1912.....	82,979	27,788	27,554	6,667	4,169	8,628	3,505
1913.....	88,204	34,329	32,267	6,902	7,405	9,675	4,104
1914.....	73,417	35,734	29,391	6,321	5,763	9,296	4,211
1915.....	41,422	7,799	17,883	3,144	2,399	4,811	1,742
1916.....	24,702	2,877	14,761	2,910	986	4,156	663
1917.....	16,141	1,857	13,771	2,235	398	3,187	911
1918.....	2,847	447	6,506	944	73	1,798	331
1919.....	45,771	1,837	8,261	2,735	.....	12,598	.....
Maximum permissible 1921-1930.	712,005	800,453	227,578	24,893	6,673	24,571	26,349

TABLE II.—Immigration into the United States from selected countries—Continued.

Year.	Portugal.	Italy.	Russia.	Austria-Hungary.	Roumania.	Greece.	Turkey.
1900	4,234	100,135	90,787	114,847	6,459	3,771	4,247
1901	4,165	135,996	85,257	113,390	7,155	5,910	6,169
1902	5,307	178,375	107,347	171,989	7,196	8,104	6,410
1903	9,317	230,622	136,093	206,011	9,310	14,090	8,647
1904	6,715	193,296	145,141	177,156	7,087	11,345	9,579
1905	5,028	221,479	184,897	275,693	4,437	10,515	10,699
1906	8,517	273,120	215,665	265,138	4,476	19,489	15,864
1907	9,608	285,731	258,943	338,452	4,384	36,580	28,820
1908	7,307	128,503	156,711	168,509	5,228	21,489	21,043
1909	4,956	183,218	120,460	170,191	1,590	14,111	16,521
1910	8,229	215,537	186,792	258,737	2,145	25,888	33,617
1911	8,374	182,882	158,721	159,057	2,522	26,226	24,667
1912	10,230	157,134	162,395	178,882	1,997	21,449	27,269
1913	14,171	265,542	291,040	254,825	2,155	22,817	38,083
1914	10,898	283,738	255,660	278,152	4,032	35,832	29,915
1915	4,907	49,688	26,187	18,511	481	12,592	4,551
1916	12,259	33,665	7,842	5,191	90	27,034	1,933
1917	9,975	34,596	12,716	1,253	08	23,974	545
1918	2,224	5,250	4,242	61	59	1,910	58
1919	1,514	3,393	1,532	52	89	813	18
Maximum permissible, 1921-1930	8,489	123,453	158,362	170,489	4,174	1,868	4,260

Mr. RAKER. This still contains the idea of repealing the law as it relates to the Chinese and Japanese at the present time?

Mr. GULICK. Yes, sir.

Mr. RAKER. And the purpose of the bill is still to admit all Asiatics and orientals under the provisions of the bill; that is right, is it not?

Mr. GULICK. That is a part of the purpose of the bill.

Mr. RAKER. I say it is in the bill.

Mr. GULICK. Yes.

Mr. RAKER. And permits them to become naturalized?

Mr. GULICK. Yes.

Mr. RAKER. And to become citizens?

Mr. GULICK. Yes.

The CHAIRMAN. Now, Doctor, how do you think that a board or commission could determine peoples? What do you mean by peoples, by geographical boundaries?

Mr. GULICK. We purposely used the wording, "ethnic group," and in order to leave it to the board to decide in each case what the best definition would be for that particular group, we worded it this way:

The board shall in each case define and interpret the term "ethnic group," taking into consideration questions of race, mother tongue, affiliation, nationality, and such other relationships as tends to constitute group unity.

So that the board would have full liberty to deal with the entire question of the classification of peoples and races.

The CHAIRMAN. You recognize group unity?

Mr. GULICK. Yes.

The CHAIRMAN. And draw from homogenous peoples in order to make a mixed people in the United States, or to provide no group unity here in the course of time? Would not that be an odd thing to do?

Mr. GULICK. I think that is exactly what the bill will serve to prevent. That is what has been happening in the past. It will be possible for the board to say, "This particular group of people that is coming in here does not fit into our life," and under this bill the board can shut down immigration from that people.

The CHAIRMAN. But it would have pressure upon them from a people for the admission of the percentage entitled to be admitted from that race or group?

Mr. GULICK. Perhaps so.

The CHAIRMAN. And the charge of discrimination, which would be little different from the present charges which are made against existing laws. It would be arbitrary on the part of the commission?

Mr. GULICK. I do not think it would be arbitrary because we would have the evidence that they are not fitting into our life, and that is the reason for holding them out. Yet those that are here, who have come in, or who may be admitted, would have no discrimination placed against them. The point is that we may discriminate against them because of our inability to assimilate them, but if for any reason they are already in, we will say, "We are going to give them absolutely equal treatment."

The CHAIRMAN. I know, and that equal treatment would require the admission of a certain percentage of their relatives from the particular country from which they came.

Mr. GULICK. Not a percentage; no.

The CHAIRMAN. A certain number, then.

Mr. WELTY. This would be the only condition, that they would be able to assimilate, and that would depend upon whether they would accept our language, our customs and our institutions.

Mr. RAKER. Well, is it not a fact that there is not a class now, there is not a group, there is not any people of any country but what there is somebody somewhere ready to say, as they are saying, that they are all right, and they will assimilate if you will just give them a chance? Is not that true?

Mr. GULICK. I suppose that some will say that, surely, but it does not follow that the board—

Mr. RAKER. I know, but somebody would, and is not that what they are doing now?

Mr. BULICK. Well, you put it the other way, first. It does not follow that because somebody says so, or because a small group is saying so, that the board will have to follow that.

Mr. RAKER. But is it not a fact now that you find organizations and institutions of various nationalities saying that they will assimilate, and to-day you find no people in the United States but what you find those ready and willing to claim that they will assimilate if you just give them the time and the opportunity and a fair chance?

Mr. GULICK. There are those who say that, of course.

Mr. RAKER. Now, in your mind, are there any in the United States that will not assimilate?

Mr. GULICK. I suppose the most difficult ones to really assimilate are the people from Africa.

Mr. RAKER. Well, we have them here by 15,000,000 is it not?

Mr. GULICK. Exactly.

The CHAIRMAN. The census of 1910 showed about 10,000,000, I believe.

Mr. RAKER. We have them now in the amount of about 10,000,000.

Mr. WHITE. What section of the population was that referred to?

Mr. RAKER. The negroes, so that question is beyond cavil or dispute, that there is enough of them now, and there is no question but that there would be no chance of excluding them, but if you

admit them on a percentage basis, of course, you would be adding really more than actually come in now.

Mr. GULICK. No; that is where you misunderstand it. This proposal does not include in the "base" the American born, whose parents also were American born. The "base" consists of only the naturalized plus the American born whose parents were foreign born. The number of people who emigrated from Africa to America within the past 50 years is very small indeed, and their American born children is very small indeed, so the permissible immigration of Africans, even at the maximum of 10 per cent, would not be—

Mr. RAKER. There is not in your mind, or would not be, any possibility of excluding the negroes from coming to this country, under the present status that we are in now?

Mr. GULICK. There is, very emphatically. The board would be given complete power to say "We have too many here now; no more immigration whatever from Africa."

Mr. BAKER. Are you in favor of a bill which excludes all Africans from this country?

Mr. GULICK. Immigrants?

Mr. RAKER. Yes.

Mr. GULICK. Yes.

The CHAIRMAN. What other races would you favor excluding?

Mr. GULICK. For the time being, I would not object to the complete suspension of Japanese, Chinese, Hindu, and other immigration.

Mr. RAKER. That is just what we have got in the statute now.

Mr. GULICK. Yes; but it is on a different basis.

Mr. RAKER. Your bill just leaves them to come in, and leaves it to the discretion of this board instead of to Congress to determine whether or not they should come?

Mr. GULICK. Yes.

The CHAIRMAN. The trouble with the two propositions is this, that you have named as the board five Cabinet officers, who are busy with multitudinous duties, and then you name an official to receive \$40 a day, being paid by the day on the theory that he may not care to give his full time to the work. If he worked 300 days he would have a salary equivalent to a Cabinet officer, and if he did not work at least 300 days the work would be done by this secretary, whose recommendations are to be made anyway, as I get it, so that, in the last analysis of the proposition, it would probably come down to the secretary of the board making the recommendations upon which the others would come to conclusions.

Mr. GULICK. Of course, if the chairman of the board lies down on his job and does not pay attention to it, the thing will go awry; there is no question about that.

The CHAIRMAN. That is a mere detail that could be corrected. I would not favor paying anyone by the day.

Mr. GULICK. The thought is that in that way we would get a really high-class man of the largest caliber, who would give enough time to it so that the problem would be carefully worked out, and then the permanent secretary would carry out all the routine work that would be necessary in connection with the necessary investigations.

Mr. RAKER. But still you take from the Congress the power to determine the question of exclusion and put it in the hands of one man, to work at so much per day. That is what it would amount to practically.

Mr. GULICK. The whole board would have to act.

Mr. RAKER. I know, but you take the power from Congress on the question of exclusion and leave it to this board. We will put it that way.

Mr. GULICK. This would not take it from Congress. Congress puts it in this board. That is the action of Congress itself.

Mr. RAKER. If your theory is correct that the negro is not assimilable and should not be admitted, and the board would determine that, then the board would exclude them instead of Congress, is not that right?

Mr. GULICK. Yes. It would be the action of Congress through them.

Mr. RAKER. We now exclude the Japanese, except to certain territory, under the treaty, and the Chinese?

Mr. GULICK. Not the treaty, under the "gentlemen's agreement."

Mr. RAKER. Well, the "gentlemen's agreement." Some call it the treaty. And we exclude the Chinese under act of Congress?

Mr. GULICK. Yes.

Mr. RAKER. Now, that is exclusion, but your theory would be to take that power from the Congress and transfer it to the board, and if the board saw fit to admit them, it could admit them and exclude them as it saw fit.

Mr. GULICK. Yes; in the light of the facts, not arbitrarily, but in the light of the facts as they are worked out.

Mr. RAKER. Do you not believe that when Congress has acted in the light of the facts, and has placed upon the statute books a law that does exclude them, that they would be in a position, and in as good a position as a board would be to exclude these people, and would know as much about it, at least, as one man who would be working for \$40 a day?

Mr. GULICK. No; I do not think so.

Mr. RAKER. Assisted by five secretaries who are now overburdened with voluminous and varied duties?

Mr. GULICK. The matter has never been studied in such careful fashion as it ought to be studied. Congress has acted in the light of pressure from the Pacific Coast States, under political exigencies, and has not given the whole situation the careful study that is desirable.

Mr. RAKER. Let me just call your attention to this fact. There is a bill before Congress, and a rule was adopted yesterday for its consideration and making it in order, and it will come up to-day, and the whole purpose of the bill is to give the native Hawaiians a preference right to land in the island, and keep others from getting land, because other people are driving them out, and those people are the Japanese and the Chinese. Do you think we ought to pass that law for Hawaii?

Mr. GULICK. I have not seen the bill.

Mr. RAKER. Upon principle, do you think we ought to pass that law?

Mr. GULICK. Upon principle, we ought to give superior protection to the Hawaiian natives.

Mr. RAKER. If we are going to protect the natives of Hawaii from the Chinese and Japanese by legislative act that is now being considered by Congress, do you not believe that, as American citizens and as Members of the Congress of the United States, we ought at least to protect the rights of the people of this country against the same people that we are protecting the Hawaiians against?

Mr. GULICK. I think we are much more competent to deal with them than the Hawaiians are.

Mr. RAKER. Whether we are competent or not, do you not believe that we ought to protect our own people and the coming generations against the same conditions that Hawaii is crying to high heaven against now?

Mr. GULICK. I believe our proposed law will do it.

The CHAIRMAN. Why are we more competent than the Hawaiian? Is it not because the Hawaiian population is more than 50 per cent oriental?

Mr. GULICK. No. You mean the population of the Hawaiian Islands?

The CHAIRMAN. Yes. Is not that the reason?

Mr. GULICK. The Hawaiian people are a tropical people, without energy and without enterprise. They are an easy-going people, and we have taken them under our care as wards, and we have got to protect them as wards.

The CHAIRMAN. They do not want to be called wards. The Hawaiian land bill was introduced with the hope of saving to the native Hawaiian the lands which were his at the time those lands became the lands of this Government.

Mr. RAKER. Because and by reason of the fact that the Japanese and Chinese, those native born as well as those immigrating, have just reached out and driven them to the wall as the American has driven the Indian to the wall. That is just about the situation.

Mr. WHITE. Is there great danger that the administration will pass from the native population?

Mr. RAKER. Absolutely. There is not a danger, but there is a certainty.

Mr. WHITE. As it has already passed from the Indian in America?

Mr. RAKER. Yes; it will pass from the native Hawaiian in a few years. They have just a scrap now that they are hanging on to. The Delegate from Hawaii, when he closed his statement last night, made the unfortunate remark that it was too bad that they did not have the same laws relative to their people going from Hawaii to the United States as they had from one to the other, which would turn over these 250,000 or more of Chinese and Japanese into the United States, and help to relieve them. They are trying to help themselves.

Now, can we, with these facts and records before us, indorse and act upon a piece of legislation that, as sure as the sun rises in the morning, will place us in the same position as the native Hawaiian is placed with the Japanese and Chinese, if we throw our doors open to some 4,000,000 to 10,000,000 Asiatics from India, Japan, and China?

Mr. WELTY. I do not think you are opening the door at all with this bill. You are closing it rather than opening the door. This bill not only leaves those here to be naturalized, but it leaves those who are to come in to be naturalized and be citizens of this country.

The CHAIRMAN. Doctor, you stated that the policies of the people of the Pacific Coast States have kept out the orientals. Do you not think that if the people of the Atlantic Coast States had been anywhere near as active as the Pacific coast people, we would not have had such a burden on our hands as the present unassimilable population that we have in New York, Pittsburgh, and some other cities?

Mr. GULICK. Doubtless, and I would like to add that in all my public addresses I have repeatedly stated that I wholly approve of the general policy of the Pacific coast in calling for a stoppage of Asiatic immigration. I think the method has been wrong. I believe that the coming in of large numbers of Asiatics to this country would be a very serious matter for us; but we have got to restrain it in a way that will maintain friendly relations with those peoples, and this proposed bill provides the way that will do it.

Mr. RAKER. Do you mean friendly relations to the extent that you are going to surrender and yield to the superior force of numbers that in time will simply sweep you off the face of the earth?

Mr. GULICK. No; I do not mean that; of course not.

Mr. RAKER. Well, if there were no restriction laws the West of the United States would practically be a Province of China and Japan.

Mr. GULICK. Exactly. This bill does not provide for any immigration as you imply in your question.

Mr. RAKER. But you say the law is unfair that is on the statute books.

Mr. GULICK. What I say is, that it is irritating. I do not say it is necessarily unfair.

Mr. RAKER. All right, then; that it is irritating.

Mr. GULICK. Yes.

Mr. RAKER. Had it not been for this irritating law we would have had a very deplorable condition on the Pacific coast relative to the Chinese and Japanese immigration.

Mr. GULICK. Surely, and I say that myself.

Mr. RAKER. Now, then, that being true, it was incumbent upon the western coast States and the people of this country, even if the laws were irritating, to enact them to prohibit and prevent that kind of immigration, was it not?

Mr. GULICK. It was not necessary that they should be irritating. That is the point.

Mr. RAKER. If it became necessary to pass laws that are irritating—

Mr. GULICK. It is not necessary to pass laws that irritate.

The CHAIRMAN. Let me ask you there, in your proposed measure you provide that the commission may suspend immigration entirely from this, that, or the other country. Would not that irritate those people?

Mr. GULICK. No, not necessarily, if it is done in the light of the facts that the people from this country, or that country, or the other country, in coming here, do not fit into our life. The action would be based on evidence.

The CHAIRMAN. They do not admit that, though.

Mr. GULICK. We can say to them, "We can not afford to let your people come in here, but those of you who are here are going to get absolutely fair and equal treatment. That is the point.

Mr. RAKER. Is it your view that Congress is incompetent and incapable to legislate upon a great question like this that affects the entire Nation, its present and its future, and it should therefore be taken from that body which is constituted under our laws and given to a commission or a board, without responsibility to the people for election, as every one should be in this country, and with no one to whom they are answerable, and to allow them to dictate the policy of this country as to what class or what nationality should be admitted into this country?

Mr. GULICK. I assume no such proposition as that. Just as Congress is competent to legislate in a general way for the regulation, for instance, of the railroads, but for the knowledge of the details, and for going into the specific problem of constant adjustment, it needs to have the Interstate Commerce Commission, and it intrusted to that commission many responsible things, so with reference to immigration there are many minute questions that Congress has not the time to go into, but that somebody does need to go into.

Furthermore, it is important that the volume of immigration that is coming in should sometimes be raised and sometimes be lowered, so that it may be adjusted and changed to meet the changing economic conditions in this country. Congress can not be constantly working on the immigration question. Therefore it is important that somebody should be intrusted with that responsibility, and our thought was that, after all, each administration would be responsible in its way for the policy prevailing during that administration, and that when the election comes the country would take cognizance of what had happened in reference to that matter, and be able to express its voice again.

Mr. RAKER. Why appeal to the administration to be responsible? Why not appeal to a majority of the representatives of the people, in the Senate and the House here, irrespective of political faith, after they have used their best judgment upon the policy for the best interests of this country, instead of turning it over, for expediency, and solely for political purposes, to the administration that is in power?

Mr. WELTY. Let me ask this, in answer to what you have to say. Is it because it is more administrative than legislative?

Mr. RAKER. No; I want to say it is not administrative, it is not for the political party that is in, but it is for the American people of the country that, irrespective of their representatives that come here, that come from the people, representing the 100,000,000 of people, are enacting laws for their protection and the guidance of this country, and not for the political party that may be in power, Democrat or Republican.

Mr. WELTY. Is not the President, too, elected by the people?

Mr. WHITE. Mr. Chairman, I would like to ask, although I do not want to interrupt the course of this examination, if the member from California will allow me to call his attention to the discussion that took place a few days ago when we recognized the great difficulty in Congress taking cognizance of the continual fluctuation of this

immigration, and you see it more and more; it comes before us more palpably every day.

Mr. RAKER. Now, is it not a fact that with a commission of this kind, here comes a strong delegation from New York, for instance, that has a particular interest involved, and they are looking after their particular business, and the rest of the country knows nothing about it, and they make a strong appeal, and before anybody knows, they have a law letting down the bars, according to this bill, and letting not only the assimilable or unassimilable to come in, but they can bring them in by hordes, as laborers, unskilled laborers, servants, etc. Do we want that kind of a law placed upon the statute books?

Mr. WHITE. I do not think we should deflect the course of this examination at this time, but right here I will say to the gentleman from California that you are up against one of the most perplexing situations in this whole matter right there. This committee does not know what to do, and the Congress of the United States does not know what to do right now.

Mr. RAKER. For what reason—for want of information?

Mr. WHITE. For want of information, and for absolute inability to forecast for even three months or six months what the labor situation is going to develop in this country. You see signs of changes to-day. They are more apparent every day.

Mr. RAKER. You give to this board the power to raise or lower the bars to immigration, according to the fluctuations of conditions in this country, temporary or otherwise?

Mr. GULICK. Exactly; within the limit of not more than 10 per cent.

The CHAIRMAN. There is a paragraph in your synopsis there referring to a clause in the proposed bill which admits illiterates if they come from a country where they have not had educational opportunities?

Mr. GULICK. No. That provision has reference only to naturalization. The bill requires ability to read English.

The CHAIRMAN. Your bill?

Mr. GULICK. Yes.

The CHAIRMAN. Just read English, not write it?

Mr. GULICK. No; not write it. In order that that may not be too drastic on worthy individuals who show themselves qualified in other respects to be citizens, and who fulfill every other requirement of the law except the ability to read English, if they have arrived in America after they were 35 years of age, or if they have lived in some part of America where they have not had an opportunity to learn English, in the discretion of the court that requirement to read English may be waived.

The CHAIRMAN. That is a naturalization feature of your immigration bill?

Mr. GULICK. Yes.

The CHAIRMAN. You do not propose to admit illiterates?

Mr. GULICK. No; there is no change in that matter at all.

The CHAIRMAN. Let me ask you one more question: You have made a close study of this question, and you are about the country a good deal. In your opinion, what is the demand now for immigration?

Mr. GULICK. I think there is a very strong demand from the farmers and from manufacturers and employers generally and from housewives.

The CHAIRMAN. Let us suppose for a moment that all the provisions of your bill were in effect at this moment, and you had a commissioner, would the condition of the country, in your opinion, warrant him in letting in the maximum from all countries?

Mr. GULICK. No; not from all countries. There are some countries from which the immigrants do not go into agricultural work, and do not go into domestic service, but tend to go to the cities where there already is congested population.

The CHAIRMAN. Just suppose we had a commissioner right now—this is just theoretical, of course—would he be authorized to admit 10 per cent of British, Scotch, and Irish?

Mr. GULICK. The chairman of the board could not do it. He would have to come before the board and lay the matter before them. It is only by the decision of the board that it could be done.

The CHAIRMAN. In the present emergency, do you think they would undertake to bring in 10 per cent of English-speaking races, and one-half of 1 per cent of Russian races or Russian peoples?

Mr. GULICK. I am not in a position to express an opinion on that question now.

The CHAIRMAN. That is the way it would have to work out, would it not?

Mr. GULICK. It would have to be worked out. The board would have to study the thing through. I have not studied it from the administrative side.

Mr. RAKER. Let me ask you this question as to the irritation of the present laws. Have you any information whereby you could inform or advise the committee that the Chinese Government is unfriendly or otherwise irritated at the United States because of our present immigration laws relating to Chinese exclusion?

Mr. GULICK. The Chinese Government, so far as I know, has entirely ceased making protests as to the situation, but that does not mean that back in their hearts they are satisfied with the situation.

Mr. RAKER. Irrespective of what might be secretly within their throbbing hearts, are you in a position to present to the committee anything from the Chinese Government, or the Chinese officials, that they are unsatisfied or piqued with, or that there is irritation on the part of the Chinese Government and its officials against the United States because of the present Chinese immigration laws?

Mr. GULICK. No; I have not conferred with the Chinese Government or officials.

Mr. RAKER. Now, a similar question relative to the Japanese Government: Are you in a position to advise the committee where they can find, or have you any information that the Japanese Government is piqued or is dissatisfied or is unfriendly to the United States because of the present immigration laws and the "gentlemen's agreement"?

Mr. GULICK. I would not say so, for the "gentlemen's agreement" is a part of their plan for striving to meet the desires of the American people with regard to immigration.

Mr. RAKER. By their own agreement?

Mr. GULICK. Yes.

Mr. RAKER. And they have not only carried that out to the end that in last February the last passports were given, even to the picture brides, and about the last number came in a month ago, 129 of them, at San Francisco, who had received passports before they were admitted. Then, as a matter of fact, we have practical exclusion from Japan to-day. With the "gentlemen's agreement" enforced, with the picture brides excluded as they are now, we have practical exclusion from Japan, have we not?

Mr. GULICK. Certainly.

Mr. RAKER. Now, you are unable to tell the committee, or advise the committee, that the Japanese Government is not thoroughly satisfied with the present arrangement, and is not on friendly terms with the United States?

Mr. GULICK. They are certainly on friendly terms, but that does not mean that they are satisfied with the whole situation. They are satisfied with regard to the gentlemen's agreement, and they are carrying that out.

Mr. RAKER. What about the Japanese Government; what about the officials there? What information can you give this committee that the Japanese Government is not satisfied?

Mr. GULICK. I did not say that they are dissatisfied with regard to the gentlemen's agreement. But I think it to be a fact that they are dissatisfied in regard to discrimination against the Japanese who are in this country, and especially with regard to restrictions on naturalization.

Mr. RAKER. I am talking about immigration; I am not talking about the Japanese in this country.

Mr. GULICK. The irritation is in regard to the naturalization question.

Mr. RAKER. Not as to immigration?

Mr. GULICK. Not as to the amount of immigration, no.

Mr. RAKER. All right, then, let us ask you this question: Can you point out to the committee, or can you show the committee where in Japan is piqued or unfriendly or not in amity with the United States by reason of our nationalization laws as to the Japanese?

Mr. GULICK. Many such statements have been made by the Japanese. Of course, the Government, as such, has never put in any request. It has not said: "Please naturalize our citizens." The Government, as such, has not made any such request, because they well know that it is within the right of every government to decide who shall be admitted to citizenship.

Mr. RAKER. Now, under your former statements the question of naturalization would be involved in your bill, and your bill would authorize the naturalization of these Japanese? That would be one purpose of it?

Mr. GULICK. Provided they qualify, of course. We propose to raise the standard to a high degree of qualification, and then say: "We will give citizenship to those who are lawfully here, if they will properly qualify."

Mr. RAKER. And you are opposed to legislation like they have in Arizona, California, Oregon, and Washington, prohibiting the Japanese from owning land in those States?

Mr. GULICK. If they are citizens, they ought to be able to own land.

Mr. RAKER. There is no doubt about a citizen, but say a Japanese owning land in California. Are you opposed to those laws?

Mr. GULICK. Well, on the whole, I should say yes, on this ground, that they are discriminatory. My thought would be that there ought to be a refusal to sell land to any who are aliens.

The CHAIRMAN. That is the law of the State of Washington.

Mr. WELTY. I think California too.

The CHAIRMAN. No. California did not have it in its enabling act.

Mr. GULICK. If all aliens are treated the same, there is no objection.

The CHAIRMAN. Let me ask you a question here. The Canadian law adopted a short time ago, about two years ago, follows our immigration law with regard to the literacy test, and in many other respects, but they have the authority in section 38 of their law, to exclude any nationality or race. Now, then, acting under the authority of that law, an order in council was put out on May 1, 1919, as follows:

Whereas the minister of immigration and colonization reports that owing to conditions prevailing as the result of the war, a widespread feeling exists throughout the Dominion, and more particularly in western Canada, that steps should be taken to prevent the entry to Canada of all persons who may be regarded as undesirable because, owing to their peculiar customs, habits, modes of living, and methods of holding property, they are not likely to become readily assimilated or to assume the duties and responsibilities of Canadian citizenship within a reasonable time; and

Whereas the minister further reports that numerous representations have been received by the department of immigration and colonization indicating that persons commonly known as Doukhobors, Hutterites, and Mennonites are of the class and character described and that consequently it is desirable to prohibit the entry to Canada of such:

Therefore his excellency the governor general in council, under the authority of section 33 of the immigration act, chapter 27, 9-10 Edward VII, is pleased to order and it is hereby ordered that—

on and after the 2d of May, 1919, and until further ordered, the entry to Canada of immigrants of the Doukhobor, Hutterites, and Mennonite class shall be and the same is hereby prohibited.

Now, does your bill provide that the United States may do something like that?

Mr. GULICK. Yes.

The CHAIRMAN. Now, how do you get the division of Doukhobors?

Mr. GULICK. He is one kind of a Russian; that is he is of a certain ancient tribe, and has certain religious peculiarities.

The CHAIRMAN. But with your proposed plan you pick out people by tribes?

Mr. GULICK. It would be possible. That is just exactly why we say "ethnic group," and the board itself is to decide what those ethnic groups are, and which they will admit.

The CHAIRMAN. Is there more than one ethnic group in Italy?

Mr. GULICK. That would be for the board to decide?

The CHAIRMAN. I have been told that there are six or seven different varieties of Italians.

Mr. GULICK. Yes; perhaps so.

The CHAIRMAN. Would they be ethnically different?

Mr. GULICK. We have worked on that very carefully, and this definition says that the board will define and interpret the term "ethnic group," taking into consideration questions of race—now, there are certain special factors specified in that paragraph—"mother tongue affiliation, nationality, and such other relationships as tend to constitute group unity."

The CHAIRMAN. Now, let us get that. Now, here is Russia. I take it all these three branches are Russians. I do not know about Mennonites especially.

Mr. GULICK. No; Mennonites are chiefly in Germany, I think.

The CHAIRMAN. Hutterites?

Mr. GULICK. I do not know them at all.

The CHAIRMAN. I do not know them either. Now, then, the Russian population is made up of some people with Mongolian blood?

Mr. GULICK. Yes.

The CHAIRMAN. Tartars and Finnish, or what used be Finnish. Of course, Finland is quite separate now, but there may be so-called Finnish population remaining in certain parts of Russia.

Mr. GULICK. Yes.

The CHAIRMAN. Georgians?

Mr. GULICK. Many varieties.

The CHAIRMAN. Oriental people?

Mr. GULICK. Yes.

The CHAIRMAN. And racial Jewish people?

Mr. GULICK. Yes.

The CHAIRMAN. Caucasians and no one knows what all?

Mr. GULICK. Now, this board will be able to distinguish in the population of Russia those elements which may properly be regarded as constituting separate groups, sufficiently separate to make it important to distinguish them for the purposes of regulating their immigration.

The CHAIRMAN. If he can do that, the chairman of that board will earn his \$40 a day all right.

Mr. GULICK. I think so.

The CHAIRMAN. Now, we have had a lot of trouble here with a fellow named Alexis Georgian in our efforts to deport him. He is up for the second time for deportation on account of his anarchistic activities. That is not his name at all. It is an adaptation of a name that was impossible to either pronounce or spell in English, and he took the name of Georgian, because he was from that part of Russia known as Georgia. He used to be a Cossack rider with Buffalo Bill's show. Until you made a very close analysis of his case you would call him a Russian, and he would call himself a Russian, until you got down to his exact situation, but it turns out now that he is a Georgian. Would not that trouble arise all the time in bringing people in?

Mr. GULICK. That is the trouble we are up against now, and that is the reason why we need to have a high-class expert, who will give himself to those matters and find out the facts, so that we will be able to act in the light of the facts.

The CHAIRMAN. But once they had got the order, would not the inspectors of the Immigration Service be put to their wits' ends to make these ethnological divisions as to race or tribe?

Mr. GULICK. The board would make those ethnological divisions.

The CHAIRMAN. This question would come up: There is a \$40 a day man who says that a Georgian may come in, and here is one immigrant, claiming to be a Georgian, coming from Russia, and here is a \$4 a day man deciding at the port of entry as to what ethnological group he belongs to.

Mr. GULICK. In any case, when any people come in, the authorities have to find out what they are, where they are from, and classify them.

The CHAIRMAN. We take their word for it. We do not prohibit the admission of any people except certain orientals.

Mr. RAKER. Suppose you found that he did not belong to a group that was admitted, would you send him back?

Mr. GULICK. Yes. I suppose that if he belonged to a group that was not permitted to enter, he would be sent back.

Mr. RAKER. Would you allow that to be determined at the port of entry?

Mr. GULICK. You would have to conform to the regulations which the board adopted.

Mr. RAKER. The board, then, would determine whether or not there would be an inspection at the port of entry or the port of embarkation?

Mr. GULICK. Yes.

Mr. RAKER. If they fixed it at the port of entry, there would be a perfect stream at the port of entry asking to be admitted, under certain designations fixed by a particular person drawing \$40 a day, and a man drawing \$4 a day would have to decide whether they belonged to that certain ethnological division. We would have a lot of trouble, would we not, Doctor?

Mr. GULICK. There would be trouble, but we have got to have trouble to get rid of trouble. We are having trouble now.

Mr. WHITE. I think the committee will agree that we certainly have all the trouble we want now. We do not have anything but trouble at the present time.

Mr. RAKER. But nothing like we would have under this arrangement. I have not had time to go into the bill, as presented, and, of course, would like to have a little opportunity to thoroughly study its provisions, and we might have further hearings on it, because it is such a new, radical plan and presents so many features that it appears to me that it would be such a shocking detriment to the United States that a good deal of consideration would be required before we could properly conclude anything on the subject.

The CHAIRMAN. Do you favor the coming of all people to the United States only with passports, and those passports viséed by agents of the Government, consular agents?

Mr. GULICK. I favor the coming of transients all by passports, but whether it is really desirable that all immigrants should be required to have passports or not, I am sure I do not know. That is one of the matters which we are putting up to this board to decide, what kind of passports or what kind of papers may be necessary.

The CHAIRMAN. I have undertaken to cover that in a bill before the committee. It is a sort of committee bill, rather than mine, H. R. 12320, in which I have endeavored to put in the best ideas that we could get out of the committee. Let me ask you if the percentage is fixed, we will say, at 2 per cent under your bill, and a number of political and religious refugees undertook to come in excess of 2 per cent from a certain country, could they be admitted?

Mr. GULICK. Under the existing law they could be.

The CHAIRMAN. I mean under this bill?

Mr. GULICK. This bill does not deal with that question at all; it does not repeal that feature of the present law.

The CHAIRMAN. Now we are getting to it. So, while we might be equalizing the situation as regards oriental peoples by this bill, by endeavoring to put in a percentage restriction, we would still have

to recognize the refugees, both political and religious, fleeing from persecution.

Mr. GULICK. That is the provision of the present law.

The CHAIRMAN. But your bill does not take away that thing at all.

Mr. GULICK. No.

The CHAIRMAN. Let us say that some European country was so overturned that a great distress prevailed, and the majority was busily engaged in shooting and killing the minority, and the minority undertook to flee by countless thousands to the United States. If they exceeded the percentage that was allowed for that year, they could not come in, or, if they could come, your bill does not mention it.

Mr. GULICK. I think this bill does not touch that law at all.

The CHAIRMAN. That being the case, what is the use of having a percentage restriction, which would be so hard to define as to the geographical boundaries where the restriction was placed?

Mr. GULICK. I do not think it would be so very hard to define, and such a supposition as you have made is altogether unlikely, and even if it should develop it would be in connection with——

The CHAIRMAN. Here are the Doukhobors and Mennonites probably from Russia. We know who the Doukhobors are. We know how the Doukhobors came to western Canada, and how industrious they were, and how peculiar in their customs, and how they were welcomed by the people of western Canada, and how they went on the land. Now, for some reason or another, Canada has turned against them. I know of certain Mennonites in Kansas that are not an objectionable people. They are a highly religious people, but they still adhere to certain customs, wear a peculiar hat, and stick to their own customs. They have never, as far as I know, been offensive in any respect, and yet they may be the very type of people that will suffer extreme persecution in Russia.

Mr. GULICK. I do not see that this bill affects that question at all, because it leaves that law just as it is now. We do not propose to make any changes with respect to the exclusion of those who are immoral, those who are criminal, those who are physically defective. Those provisions stay as they are, and as for the difficulty of administering this law, I must confess that I do not think there will be any such difficulty as you seem to think.

The CHAIRMAN. Of course, we are entitled to ask certain questions in an effort to find a possible flaw. They are not meant to be offensive questions.

Mr. RAKER. Nothing is intended to be offensive. I might ask one question here that I know will not be offensive. Does this bill enlarge or diminish immigration as it existed prior to the war?

Mr. GULICK. It would tend to restrict immigration from southern Europe. It would not make any difference probably in the immigration from northwestern Europe.

Mr. RAKER. Well, the maximum is 10 per cent.

Mr. GULICK. Of those who are naturalized, plus the American born, of the first generation.

Mr. RAKER. I say the maximum in this bill is 10 per cent.

Mr. GULICK. Yes.

Mr. RAKER. How many would that admit in 1921?

Mr. GULICK. If our reckoning as to the census of 1920 is correct, it would admit from northwestern Europe——

Mr. RAKER. I just want the total.

Mr. GULICK. I want to differentiate. It would admit from north-western——

Mr. RAKER. I do not want to take the time to go into the different divisions. I would just like the total.

Mr. GULICK. The total from northwestern Europe would be 1,822,000, as a possibility, but it is not at all likely that they will come. Then from the southern and eastern countries there would be admitted a total of 487,000. All of them would be likely to come.

Mr. RAKER. What is the total?

Mr. GULICK. The total permissible would be those two added.

Mr. RAKER. What is that?

Mr. GULICK. It would be 2,300,000.

Mr. RAKER. That would practically double what was the highest point of immigration before the war?

Mr. GULICK. Permissible, yes.

Mr. RAKER. So, as a matter of fact, instead of being a restriction, it would almost make certain the doubling of the highest rate of immigration before the war, which was a million and something?

Mr. GULICK. No; you are mistaken about that, because out of that total, 1,800,000 are permitted to come from countries that would not send them.

Mr. RAKER. I am not asking what would or what would not. I am asking what would be the facts, if they came from all these countries. Under this bill there would be something like 2,300,000 who could come.

Mr. GULICK. Well, it would cut down immigration from southwestern Europe from over 900,000 to a little under 500,000.

Mr. RAKER. But still it would practically double the entire immigration.

Mr. GULICK. No; it would not be doubled, because they would not come.

The CHAIRMAN. They apparently are not coming from Italy now in any numbers, said to be for the reason that their Government refuses to give the able-bodied passports this year.

Mr. GULICK. Well, if their Government does not wish to let them come, then this will not cut it down.

Mr. RAKER. All right, let us take this. From Italy, under this proposed bill, how many would be permitted to come in 1921, at 10 per cent?

Mr. GULICK. I reckon that at the maximum rate of 10 per cent it would be 123,000.

Mr. RAKER. How many came in 1915 from the same country?

Mr. GULICK. Forty-nine thousand came.

Mr. RAKER. That almost makes it three times as many, does it not.

Mr. GULICK. That was in the war time.

Mr. RAKER. But during that year it would make practically three times as many as it was in 1915?

Mr. GULICK. Do you think that is a fair comparison?

Mr. RAKER. I did not ask anything about a comparison. I asked about——

Mr. GULICK. No; you are making a comparison.

Mr. RAKER. During 1914, how many?

Mr. GULICK. Two hundred and eighty-three thousand came in 1914.

Mr. RAKER. In 1913?

Mr. GULICK. Two hundred and sixty-five thousand.

Mr. RAKER. In 1912?

Mr. GULICK. One hundred and fifty-seven thousand.

Mr. WELTY. What would be the maximum now, in 1921?

Mr. GULICK. According to our rough calculation, it would be 123,000.

Mr. RAKER. You think that would be advisable, to exclude them?

Mr. GULICK. I am inclined to think so.

Mr. RAKER. Literate or otherwise?

Mr. GULICK. Of course, the illiterate are not allowed to come in by the existing law.

Mr. RAKER. Under your bill, would he be?

Mr. GULICK. No; there would be no change in that respect.

Mr. RAKER. You would not repeal the literacy test?

Mr. GULICK. No.

Mr. RAKER. It does not affect that at all?

Mr. GULICK. It does not affect that at all.

The CHAIRMAN. Would you repeal the literacy test in regard to admissions from Mexico?

Mr. GULICK. If we have the literacy test, I think it ought to be applied equally all around.

Mr. RAKER. Would you repeal it at all?

Mr. GULICK. I have given that matter quite a little thought. While I do not feel that I have examined the facts adequately, yet my impression is that the literacy test works in this way. It puts a handicap on the agricultural population and prevents them from coming in, but gives a favor to those who live in the cities, because those who live in the cities have better educational facilities. They can, therefore, meet the requirements and come to America, whereas those who live in the country areas and do not have the educational facilities are kept out by the literacy test.

Mr. RAKER. Will you tell the committee where there is any place in Italy, or in France, where there is a farming population that does not have a city, or, in fact, does not live in a city of from 100,000 up to a million? Is there any place where there is any population in either of those countries that does not live in communities; that is, in towns?

Mr. GULICK. With 100,000 people?

Mr. RAKER. In a small community?

Mr. GULICK. There are hundreds of towns and villages under 100,000 population.

Mr. RAKER. Are there any places in those countries where they do not have schools or facilities to attend schools?

Mr. GULICK. In those small towns?

Mr. RAKER. Yes.

Mr. GULICK. I should say there are a lot of them, but I can not give you the names of them, offhand.

Mr. RAKER. I do not know of any place in Italy or France where they live like we do in this country, on separate, individual farms. They have little towns from 100 to 500, on up to the large ones, and they all live in there and have their homes, and farm from the city or town. Is not that right?

Mr. GULICK. But it does not follow that the agricultural population all becomes literate.

The CHAIRMAN. To carry that out, would you be inclined to favor the admission of illiterate agriculturists?

Mr. GULICK. Yes.

The CHAIRMAN. Would you be inclined to favor a plan of Federal assistance for the education of illiterates in the United States?

Mr. GULICK. I would not have Federal education anywhere. That should be done by the States.

The CHAIRMAN. Do you know that there is a plan being promulgated, and finding much favor, known as the Smith-Towner bill, which provides Federal money to meet the same money from the States?

Mr. GULICK. To aid the States in doing it. It does not propose that the Federal Government itself shall do it.

The CHAIRMAN. No, it is a half-and-half plan. The Federal Government shall meet the State halfway and educate all illiterates, native born and foreign.

Mr. GULICK. Yes, I believe in that.

The CHAIRMAN. It seems to me that the proposed bill would permit more and more illiterate aliens to be admitted into the United States.

Mr. GULICK. I think that the biological characteristics of the city population of Europe are much less desirable than the biological characteristics of the country population. They are better physical stock, and even though they have not the capacity to read, that does not necessarily prove that they are in any sense degenerates. They are better physical stock, biologically speaking, from the country, and I am sorry to see them excluded, and an advantage given to those that live in the city.

The CHAIRMAN. Why is it that even when an effort is made to settle them right on the soil in the United States, that unless they can own the soil they go almost immediately to the city?

Mr. GULICK. It is the desire to improve their opportunities. If they can not own the soil, and if they have a more or less precarious living, and if they can get higher wages in the cities, that would naturally attract them just as it attracts the American boys.

The CHAIRMAN. Exactly, and therefore it is idle almost to talk about bringing in immigrants for agricultural purposes with any serious thought that they will remain in agriculture, unless we can with increased immigration so congest the cities that the people will be forced to go to the country.

Mr. GULICK. That suggests one of the important features of our bill. If a group of immigrants from any particular country was found to be going too predominantly to the cities, the board could say, "If you do not quit going into the cities we are not going to let any more of you in," whereas if another group is going to the country and staying in the country, the board could provide that that people might come up nearer to the maximum permissible limit.

The CHAIRMAN. You would not care for an amendment to your bill to the effect that the States shall have the right to issue orders in council saying that Mennonites, Doukhobors, Japanese or Chinese, can not come into those States?

Mr. GULICK. Not issue orders, but we provide in this bill that the secretaries of the States shall be requested—we can not order them to—shall be requested to send to the board an annual report in reference to the amount of unemployed in their States, the amount of labor shortage in their States in the various occupations, and if the State

legislatures have taken action in the matter, the desired immigration for their States, the board shall make its decision in the light of the reports from the various State secretaries.

The CHAIRMAN. Then, if California, Washington, and Oregon, should, by legislative enactment, proclaim that they do not care for additional orientals—

Mr. GULICK. That would be a factor—

The CHAIRMAN. The board, knowing that they could not prohibit them from going into those particular States, might be inclined to prohibit them entirely from entering into the United States?

Mr. GULICK. Yes.

Mr. BOX. What has been your observation as to where the agricultural people from Europe settle when they come here? Do they not usually congest in the cities like the others do?

Mr. GULICK. No; recent immigration has been doing that, but if you take all the Middle and Western States you will see that a large amount of immigration during the decades before 1900 went to those States and settled down there in agricultural work. If proper inducements were made, I have the impression, but I can not speak too positively, that it would be possible to persuade agricultural workers from Europe even now to go into our agricultural areas.

Mr. BOX. The question was not exactly directed to that. I think it is possible, but what I meant to get was what was your observation as to the fact. My recollection is that the immigration commission, sometimes called the Dillingham Commission, reports that almost invariably the people from the agricultural sections of Europe do go to the cities when they come here. I think they report that, and I wondered if that applies now, or if, in your judgment, it was correct then.

Mr. GULICK. I am not able to answer that. I have not examined the statistics in that matter.

Mr. RAKER. Doctor, have you examined the statistics so as to be able to advise the committee as to the percentage of illiterates heretofore entering the United States that went upon the farms, and those that remained in the cities, that immigrated to this country?

Mr. GULICK. No; I have no information on that subject.

Mr. RAKER. Have you any information that those illiterates who came here went upon the farms and into the farming communities?

Mr. GULICK. I have no information on that subject.

Mr. RAKER. Upon what did you base your statement, that it would exclude agriculturists from Italy and France?

Mr. GULICK. And Poland and Hungary and Russia.

Mr. RAKER. I will stop there and then I will go on to the others.

Mr. GULICK. I did not specify France.

Mr. RAKER. It is the illiterates, and it is the agriculturists if it is not the illiterates, who are the common laborers that work in the cities in the streets and the factories, as drivers, stevedores, and all other occupations. From what source do you gather that it is those that are agriculturists that are excluded because they are illiterate, and it is not the others or the common laboring man?

Mr. GULICK. It is just the general reasoning that the city populations have better advantages for education than the country populations. Now, if we prescribe a literacy test, as we now do, it will give a superior opportunity for admittance to the city population than

that given to the country population. I am relying merely general reasoning, that is all.

Mr. RAKER. Have you any statistics, or authoritative statement from Italy which shows that their agriculturists and those living in the agricultural districts are more illiterate than those that are living in the larger cities, upon the same racial basis?

Mr. GULICK. No; I have not any statistics on that subject.

Mr. RAKER. Have you any from France upon the same subject?

Mr. GULICK. No.

Mr. RAKER. Then how can you make the statement to the committee that that would exclude the agriculturists that come to this country, and therefore it would injure the farmer, if, as a matter of fact—

Mr. GULICK. I did not quite say that.

Mr. RAKER. If, as a matter of fact, you are unable to present to us the relative illiteracy of agriculturists, in comparison to the other immigrants, excluding agriculturists, coming to this country?

Mr. GULICK. May I just call your attention to this fact—

Mr. RAKER. Yes; I want you to, Doctor, because nobody else has been able to give any statistics on that matter, although they talk all the time about excluding agriculturists.

Mr. GULICK. I have not come here with reference to the literacy question at all. It was raised here. I have not prepared myself on that matter, but when my opinion was asked, I stated that I was of the impression that the existing illiteracy test tends to give the advantage of opportunity upon those who are in the cities, because, as a rule, the people in the cities are known to have superior educational opportunities, whereas those who live in the country do not have those same opportunities. I simply argued upon general principles, but, as I said, I have not studied this matter, I have not studied the statistics of literacy in Europe, and, as I said, I assumed that the present law was adequate.

Mr. RAKER. There is just one more question I want to ask, because I would hate to see that statement go out that by reason of the literacy test we have prohibited agriculturists from coming to this country. You do not intend to stand by that, do you?

Mr. GULICK. I have no statistics on it, but on general principles I think that is a true statement.

Mr. SWOPE. That is simply your personal belief, then?

Mr. GULICK. Yes; that is all. I have not tried to get any statistics.

Mr. SWOPE. You have no figures showing that the agriculturists of Italy or Poland, when they come to this country, settle on the farms, or other agriculturists?

Mr. GULICK. No statistics. I have not studied that question.

Mr. RAKER. I think that covers the situation pretty thoroughly, and I thank you for it, because I did not want that impression to go out that we were excluding the agriculturists and permitting the others to come, on the same basis.

Mr. SWOPE. Is there any other statement you desire to make?

Mr. GULICK. No; thank you.

Mr. SWOPE. Is there any other question that anyone desire to ask the witness? I think that is all. The committee will stand adjourned.

(Whereupon the committee adjourned.)

